

I certify that the attached is a true and correct copy of HB# 2012, which

1985 APR 12 AM 9:05 filed of record on 3-7-85
and referred to the committee on FILED MAR 7 1985

HOUSE OF REPRESENTATIVES

Bus & Com.

By

[Signature]

[Signature]
Chief Clerk of the House

FILED MAR 7 1985

B. No.

2012

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of massage therapists and massage establishments; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In the Act:

(1) "Massage" means the practice of a profession, the art of body massage, scientifically applied to the patron, either by hand or with a mechanical or vibratory apparatus for the purpose of body massaging, reducing, or contouring; including the use of oil rubs, heat lamps, salt glow, hot and cold packs, tub, shower, or cabinet baths. Variations of the following procedures are employed: touch, stroking, friction, kneading, vibrations, and percussion.

(2) "Massage Therapist or Massage Technician" means an individual who practices or administers massage for compensation and who has made a study of the underlying principles of Anatomy and Physiology generally included by a recognized and approved school of Massage in a regular course of study of the body.

(3) "Massage Establishment" means any place of business wherein massage is practiced by a Massage Therapist, as defined in this section.

(4) "Department" means the Texas Department of Health.

(5) "Person" means an individual, corporation, association, or other legal entity.

SECTION 2. REGISTRATION REQUIREMENT. (a) An individual who practices in this state as a massage therapist must register

1 with the department in the manner prescribed by the rule of
2 the department.

3 (b) The department may impose a registration fee in an
4 amount that is reasonable and necessary to defray the costs
5 of administering the registration program.

6 (c) An individual who has been convicted of crimes
7 or offenses involving prostitution, sexual misconduct, or the
8 provisions of this Act is ineligible to register as a Massage
9 Therapist.

10 SECTION 3. REGULATION OF ADVERTISING. (a) A sign advertising
11 a massage establishment must contain the full name of each registered
12 Massage Therapist who practices in the establishment.

13 (b) The phrase "massage parlor" may not be used on any
14 sign or other form of advertising. The word "massage" may not
15 be used on any sign or other form of advertising unless the
16 word is preceded by words identifying any specialized fields
17 of practice that the Massage Therapist practices.

18 SECTION 4. EXEMPTIONS. This Act does not apply to a person
19 who:

20 (1) is licensed in the state as a physician, osteopath,
21 chiropractor, physical therapist, nurse, or cosmetologist; or

22 (2) practices another similar profession that is subject
23 to state licensing.

24 SECTION 5. PENALTY. (a) A person subject to the registration
25 requirement of this Act commits an offense if the person
26 knowingly violates Section 2 of this Act.

27 (b) The owner or operator of a massage establishment commits

1 an offense if that person knowingly violates Section 3 of this
2 Act.

3 (c) A first offense under this section is a Class C
4 misdemeanor. A subsequent offense is a Class B misdemeanor.

5 SECTION 6. LOCAL REGULATION. This Act supersedes any
6 regulation relating to Massage Therapists enacted by a political
7 subdivision of this state.

8 SECTION 7. ADVISORY COUNCIL ON MASSAGE THERAPY.

9 (a) The Advisory Council on Massage Therapy is created as
10 an advisory council to the Department and the State Board of Health.

11 (b) The Advisory Council shall be appointed by the Commissioner
12 of Health and be composed of nine members; five members shall be
13 massage therapists; one member shall be a Doctor of Osteopathy; one
14 member shall be a Chiropractor; and one member shall represent the
15 general public.

16 (c) Members of the Advisory Council shall hold office for
17 staggered terms of six years, with the term of office for three
18 members expiring September 1 of each odd-numbered year. If a
19 vacancy occurs, the Commissioner shall appoint a replacement who
20 meets the qualifications of the vacated office to fill the unexpired
21 portion of the term.

22 (d) The Advisory Council shall advise the Board of Health
23 and the Department on all matters pertaining to massage therapy,
24 including the rules and fees adopted pursuant to this Act.

25 (e) A member of the Advisory Council may not receive
26 compensation for serving on the Council, but may receive a per
27 diem allowance for transportation and related expenses incurred for

1 attending meetings of the Council.

2 (f) A person who is required to register as a lobbyist
3 under Chapter 422, Acts of the 63rd Legislature, Regular Session,
4 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), may not
5 serve as a member of the Board of the State Texas Health Department
6 or on the Advisory Council to the Department.

7 (g) The Advisory Council is subject to the open meetings
8 law, Chapter 271, Acts of the 60th Legislature, Regular Session,
9 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the
10 Administrative Procedure and Texas Register Act (Article 6252-13a,
11 Vernon's Texas Civil Statutes).

12 SECTION 8. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT.

13 An individual is not required to be registered under this Act
14 until January 1, 1986.

15 SECTION 9. EFFECTIVE DATE. This Act takes effect September 1,
16 1985.

17 SECTION 10. EMERGENCY. The importance of this legislation
18 and the crowded condition of the calendars in both houses create an
19 emergency and an imperative public necessity that the constitutional
20 rule requiring bills to be read on three several days in each house
21 be suspended, and this rule is hereby suspended.

‡

HOUSE COMMITTEE REPORT

1st. Printing

F

By Colbert

H.B. No. 2012

Substitute the following for H.B. No. 2012:

By Arnold

C.S.H.B. No. 2012

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of massage therapists and massage establishments; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In the Act:

(a) "Massage therapy," as a health care service, is the manipulation of soft tissue for therapeutic purposes and may include, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. This may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower and cabinet baths. Massage therapy shall not include diagnosis or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

(b) "Massage therapist" means an individual who practices or administers massage therapy to a patron of either gender for compensation.

(c)(1) Other terms equivalent in meaning to massage therapist are: therapeutic massage practitioner, massagist, massage technician, masseur, masseuse, myo-therapist, or any derivation of the above or any letters implying the above.

(2) Other terms equivalent in meaning to massage therapy

1 are: massage, therapeutic massage, massage technology,
2 myo-therapy, or any derivation of the above or any letters implying
3 the above.

4 (d) "Massage therapy instructor" means an individual who has
5 already acquired the status of massage therapist, who has practiced
6 massage therapy for a minimum of four years, and who is instructing
7 one or more apprentice in massage therapy.

8 (e) "Massage establishment" means any place of business
9 wherein massage therapy is practiced by a massage therapist, as
10 defined in this section.

11 (f) "Department" means the Texas Department of Health.

12 (g) "Board" means the Texas Board of Health.

13 (h) "Council" means the Advisory Council on Massage Therapy.

14 (i) "Person" means an individual, corporation, association,
15 or other legal entity.

16 SECTION 2. REGISTRATION REQUIREMENTS. (a) An individual
17 who identifies oneself as a massage therapist must register in
18 accordance with this Act.

19 (b) An individual who registers under this Act must have
20 either:

21 (1) satisfactorily completed massage therapy studies in a
22 250 hour, supervised instruction which appropriates 125 hours to
23 the study of Swedish massage therapy techniques; 50 hours to the
24 study of anatomy; 25 hours to the study of physiology; 25 hours to
25 the study of hydrotherapy; 5 hours to the study of business
26 practices and professional ethics standards; 20 hours to the study
27 of health and hygiene. This instruction shall have been provided

1 by a massage therapy instructor, or in a massage therapy school
2 recognized by the department, or in a state approved institution or
3 any combination thereof; or

4 (2) having been duly registered in another state or country
5 as a massage therapist, which state or country has and maintains
6 standards and requirements of practice and licensing or
7 registration that substantially conform to those of this state, as
8 shall be determined by the department; or

9 (3) having practiced massage therapy as a profession for a
10 minimum of five years in another state or country which does not
11 have nor maintain standards and requirements of practice and
12 licensing or registration that substantially conform to those of
13 this state, as shall be determined by the department.

14 (c) Notwithstanding any other requirements, any person,
15 resident of this state, who is actually engaged in the practice of
16 massage therapy, and who has practiced massage therapy as a
17 profession for two or more years; or who has a diploma from an
18 approved school of massage therapy; or who is a member in good
19 standing in the American Massage Therapy Association (AMTA) shall
20 be registered as a massage therapist by making application to the
21 department prior to January 1, 1986, and paying the required fee.

22 SECTION 3. APPLICATION FOR REGISTRATION. Applicants for
23 registration under this Act shall submit application forms provided
24 by the department, accompanied by the application fee set by the
25 department.

26 SECTION 4. EXEMPTIONS. This Act does not apply to a person
27 who:

1 (a) is licensed in the state as a physician, chiropractor,
2 physical therapist, nurse, cosmetologist, or athletic trainer; or
3 who

4 (b) practices another similar profession that is subject to
5 state licensing.

6 SECTION 5. REGULATION OF ADVERTISING. (a) The full name or
7 certificate of registration of each massage therapist who practices
8 in the massage establishment must be posted in plain sight.

9 (b) It is prohibited for any person not registered according
10 to this Act to use the word "massage" on any sign or other form of
11 advertising.

12 SECTION 6. PENALTY. (a) A person subject to the
13 registration requirement of this Act commits an offense if the
14 person knowingly violates Section 2 of this Act.

15 (b) The owner or operator of a massage establishment commits
16 an offense if that person knowingly violates Section 5 of this Act.

17 (c) A first offense under this section is a Class C
18 misdemeanor. A subsequent offense is a Class A misdemeanor.

19 SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE
20 DEPARTMENT. (a) The board shall adopt rules and regulations
21 consistent with this Act which are necessary for the performance of
22 its duties.

23 (b) The department shall administer this Act.

24 (c) The department shall investigate persons who may be
25 engaging in practices that violate this Act.

26 SECTION 8. THE ADVISORY COUNCIL. (a) The Advisory Council
27 of Massage Therapy is created. The council is created as a part of

1 the department and shall perform its duties within the department.

2 (b) The advisory council shall be appointed by the board of
3 health and shall be composed of nine members. Five members shall
4 be massage therapists, one member shall be a chiropractor, one
5 member shall be a physician, and two members shall represent the
6 general public.

7 (c) Members of the advisory council shall hold office for
8 staggered terms of six years, with the term of office for three
9 members expiring September 1 of each odd-numbered year. If a
10 vacancy occurs, the board shall appoint a replacement in the same
11 manner as other appointments to fill the unexpired portion of the
12 term.

13 (d) A member of the advisory council may not receive
14 compensation for serving on the council, but may receive a per diem
15 allowance for transportation and related expenses incurred for each
16 day the member engages in the business of the council as set by the
17 legislature in the General Appropriations Act.

18 (e) A person who is required to register as a lobbyist under
19 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973
20 (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as
21 a member on the advisory council.

22 (f) The advisory council is subject to the open meetings
23 law, Chapter 271, Acts of the 60th Legislature, Regular Session,
24 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the
25 Administrative Procedure and Texas Register Act (Article 6252-13a,
26 Vernon's Texas Civil Statutes).

27 (g) A member of the advisory council is not liable to civil

1 action for any act performed in good faith in the execution of
2 duties as a council member.

3 (h) A massage therapist serving on the advisory council
4 shall not be similarly licensed or registered by any other Act.

5 SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. (a)
6 The council by rule shall prescribe application forms and fees in
7 the amounts necessary to administer this Act.

8 (b) The council shall meet at least twice a year.
9 Additional meetings may be held on the call of the chairman or at
10 the written request of any three members of the council.

11 (c) The council shall keep a complete record of all
12 registered massage therapists and shall annually prepare a roster
13 showing the names and addresses of all registered massage
14 therapists. A copy of the roster shall be made available to any
15 person requesting it on payment of a fee established by the council
16 as sufficient to cover the costs of the roster.

17 SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. (a) The
18 department shall issue a certificate of registration to each
19 qualified massage therapist.

20 (b) A person issued a certificate by the department shall
21 display the certificate in an appropriate and public manner as
22 specified by the board.

23 (c) The issuance of a registration certificate grants all
24 professional rights, honors, and privileges pertaining to the
25 execution of massage therapy.

26 (d) A certificate of registration is the property of the
27 department and must be surrendered on demand.

SECTION 11. DENIAL, PROBATION, SUSPENSION, AND REVOCATION.

(a) The department may refuse to issue a certificate of registration to an applicant, or suspend or revoke the certificate, or place on probation an individual for any of the following causes:

(1) obtaining a certificate by means of fraud, misrepresentation, or concealment of material facts;

(2) selling, bartering, or offer to sell or barter a certificate of registration;

(3) violating any lawful order or rule rendered or adopted by the board;

(4) violating any provisions of this Act.

(b) An individual who has been convicted of crimes or offenses involving prostitution or sexual offenses is ineligible to register as a massage therapist.

(c) A person whose application of registration is denied, suspended, or revoked is entitled to a hearing before the department if such person submits a written request to the department. Hearings are governed by department rules for a contested hearing and by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(d) Any person convicted of a violation of the provisions of this Act is ineligible to register as a massage therapist for a period of five years, after which time the individual may petition the department.

SECTION 12. RENEWAL OF REGISTRATION. (a) Registration under this Act shall be subject to annual renewal and shall expire

1 unless the registered person submits an application for renewal
2 accompanied by the renewal fee.

3 (b) The department shall adopt a system under which
4 registrations expire and are renewed on various dates of the year.
5 Initial registration fees shall be pro-rated so that a registered
6 person shall pay only for that part of the year until the
7 expiration date of the registration.

8 (c) A person registered under this Act who does not renew
9 registration by the expiration date may renew the registration
10 within 90 days after the expiration date by meeting the
11 requirements set forth in this section and paying a late penalty
12 fee.

13 (d) The registration of a person who fails to meet the
14 renewal requirements in (a) or (c) of this section shall be void
15 until the person submits a new application, pays the appropriate
16 fees, and meets the current requirements for registration.

17 SECTION 13. INJUNCTIVE RELIEF. The attorney general of this
18 state or a district or county attorney may institute a civil action
19 to compel compliance with this Act or to enforce a rule adopted
20 under this Act. In addition to any injunctive relief or any other
21 remedy provided by law, a person who violates this Act or a rule
22 adopted under this Act is liable for a civil penalty.

23 SECTION 14. LOCAL REGULATION. This Act supersedes any
24 regulation relating to massage therapists enacted by a political
25 subdivision of this state.

26 SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT. An
27 individual is not required to be registered under this Act until

1 January 1, 1986.

2 SECTION 16. EFFECTIVE DATE OF THIS ACT. This Act takes
3 effect September 1, 1985.

4 SECTION 17. SEVERABILITY. If any provision of this Act or
5 the application thereof to any person or circumstance is held
6 invalid, this invalidity shall not affect other provisions or
7 applications of the Act which can be given effect without the
8 invalid provision or application, and to this end the provisions of
9 this Act are declared severable.

10 SECTION 18. EMERGENCY. The importance of this legislation
11 and the crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

April 29, 1985
(date)

Sir:

We, your COMMITTEE ON BUSINESS & COMMERCE, to whom was referred H.B. 2012/Colbert have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
- () do pass, with amendment(s).
- (XX) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (XX) yes () no An actuarial analysis was requested. () yes (XX) no

An author's fiscal statement was requested. () yes (XX) no

The Committee recommends that this measure be placed on the ~~Calendar~~ Calendar.

This measure (X) proposes new law. () amends existing law.

House Sponsor of Senate Measure n/a

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Jackson, Ch.	✓			
Arnold, V.C.	✓			
Oliveira, C.B.O.	✓			
Berlanga				✓
Glossbrenner	✓			
Hill, A.	✓			
Riley				✓
Robnett	✓			
Smith, R.				✓

Total 6 aye
0 nay
2 present, not voting
3 absent

Lee F. Johnson
CHAIRMAN
Laura Colpée
COMMITTEE COORDINATOR

H.B. 2012
By: Colbert

Committee on Business and Commerce

C.S.H.B. 2012
By: Arnold

BILL ANALYSIS

Background

Current law (Article 2372(v) and (w), Revised Statutes) allows city and county governments to restrict the location of massage establishments and to adopt rules regulating massage parlor operations for the protection of public health and safety. Some therapists would prefer state licensing of massage practitioners to preserve the professional reputation of those maintaining high standards and as a more comprehensive protection for the general public.

Purpose

C.S.H.B. 2012 would create new law requiring state licensing of massage therapists. The Department of Public Health would administer and enforce this Act with the assistance of the Board of Health and an Advisory Council on Massage Therapy.

Section by Section Analysis

- SECTION 1. DEFINITIONS.
- SECTION 2. REGISTRATION REQUIREMENTS. Provides the academic requirements necessary to become licensed in Texas unless practitioner was registered in another state or country with similar standards as determined by the Department. Therapists currently operating would be required to register by January 1, 1986.
- SECTION 3. APPLICATION FOR REGISTRATION. Requires applicants to submit the prescribed application and application fee.
- SECTION 4. EXEMPTIONS. This Act would not apply to an individual practicing a similar profession who is already licensed by the state.
- SECTION 5. REGULATION OF ADVERTISING. Requires any sign advertising a massage establishment to contain the names of the practicing therapists. Prohibits the use of the word "massage" by anyone not registered according to this Act.
- SECTION 6. PENALTY. Provides that knowledgeable violation of this Act would be a Class C misdemeanor and subsequent offenses a Class A misdemeanor.
- SECTION 7. POWERS AND DUTIES OF THE BOARD AND DEPARTMENT. Provides the Board with rulemaking authority and that the Department would administer this Act and investigate violators.
- SECTION 8. THE ADVISORY COUNCIL. Creates a nine member advisory council to the Department composed of therapists, physicians, and the general public, and prohibits registered lobbyists from serving. It provides for a per diem allowance to reimburse members' expenses, requires meetings to be open to the public, and limits members' liability for any action performed in good faith.
- SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. Requires the Council to prescribe application forms and fees; to meet at least twice a year; to keep records of all registered therapists and annually prepare a roster.
- SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. Requires the Department to issue a registration certificate for therapists to display.
- SECTION 11. DENIAL, PROBATION, SUSPENSION, AND REVOCATION. Allows the Department to enforce this Act by suspending, revoking, or refusing to issue a registration certificate to an individual who fraudulently obtained a certificate, conspired to sell a certificate, violated rules or provisions of this Act, or who has been a convicted sex offender. A person whose registration is denied, suspended, or revoked would be allowed due process.

- SECTION 12. RENEWAL OF REGISTRATION. Requires annual renewal of registration with allowances made for pro-rating fees and late renewals.
- SECTION 13. INJUNCTIVE RELIEF. Allows the Attorney General or the County or District Attorney to institute civil action for non-compliance.
- SECTION 14. LOCAL REGULATION. Provides that this Act would supercede any local ordinances regulating massage therapists.
- SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT: January 1, 1986.
- SECTION 16. EFFECTIVE DATE OF THIS ACT: September 1, 1985.
- SECTION 17. Severability Clause.
- SECTION 18. Emergency Clause.

Rulemaking Authority

Under Section 7 of this Act the Board of Health is authorized to adopt rules necessary to perform its duties. The Advisory Council on Massage Therapy is authorized to prescribe registration application forms and establish fees to defray the cost of administering this Act, under Section 9. There are no provisions in this Act that would interfere with full compliance of Article 6252-13a, V.T.C.S., by the Board or the Council.

Summary of Committee Action

Public notice was posted in accordance with Rule 4, Section 12, Rules and Procedures of the House of Representatives for a public hearing to be held April 15, 1985.

On April 15, 1985, Sherry Glover, Massage Therapist, Texas Massage Therapy Association, 200 E. Spring Valley Rd., Suite D, Richardson Texas 75081, testified FOR H.B. 2012.

The following people were present in support of H.B. 2012, however, they did not testify:

Melissa Gonzales Scott, Masseuse, 405 W. 18th St., Sustin YWCA, Austin, Texas 78701.

Robin Elizabeth Edgerley, Massage Therapist, Texas Massage Therapy Association, 4802 Gladview, Austin, Texas.

Paige Asten, Massage Therapist, Asten Associates, 200 E. Spring Valley, Richardson, Texas 75081.

Lou Ellen Breuer, Massage Therapist, Nieman Marcus, Green Oaks Blvd., Fort Worth, Texas.

Naomi Morton, Massage Therapist, 200 E. Spring Valley, Suite D, Richardson, Texas 75001.

On April 15, 1985, Richard Combs, Physical Therapist, Brackenridge Hospital, Austin, Texas, testified AGAINST H.B. 2012.

The bill was referred to a subcommittee composed of the following members: Arnold (Chair), Glossbrenner, and Robnett.

On April 25, 1985, the subcommittee reported H.B. 2012 favorably with a complete substitute to the full committee, by a record vote of 3 ayes and no nays.

On April 29, 1985, the full committee voted to report H.B. 2012 with a complete substitute to the House with the recommendation that it do pass by a record vote of 6 ayes and no nays.

Comparison of Original Bill to Substitute

The substitute adopted by the full committee makes additions to the original bill that clarify the scope of this Act. Changes in the registration eligibility include specific academic requirements, and accomodation of other state's licenses as the Department of Health deems appropriate. Athletic trainers would be added to the list of similar professions that are exempt. Subsequent violations of this Act would be raised from a Class B misdemeanor to a Class A misdemeanor and the Attorney General, County Attorney, or District Attorney would be allowed to bring a civil suit for non-compliance. It gives the Board of Health rulemaking authority and limits the liability of acts in good faith by Council members. The substitute also enumerates the council's and the Department's respective duties. The Council would

C.S.H.B. 2012, continued

prescribe application forms and fees, and develop a roster of all registered therapists. The Department would issue certificates of registration for display purposes, and would have the right to suspend, revoke, or refuse registration for certain offenses provided the therapist is given due process. It also provides for the annual renewal of registration certificates with allowances made for prorating initial registration fees and late renewals. The substitute includes definitions for "Board" and "Council" and a severability clause.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 12, 1985

Honorable Lee F. Jackson, Chair
Committee on Business and Commerce
House of Representatives
Austin, Texas

In Re: House Bill No. 2012
By: Colbert

Sir:

In response to your request for a Fiscal Note on House Bill No. 2012 (relating to the regulation of massage therapists and massage establishments) this office has determined the following:

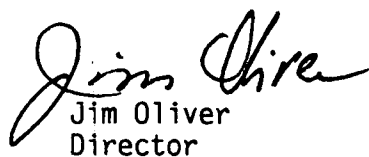
The bill would authorize the Board of Health to establish a program of registration and regulation of massage therapists and establishments and impose a registration fee sufficient to cover the costs of administering the registration program.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost to the General Revenue Fund</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$147,451	\$300,000	+ 5
1987	142,451	100,000	+ 5
1988	142,451	100,000	+ 5
1989	80,756	100,000	+ 5
1990	80,756	100,000	+ 5

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Health; LBB Staff: JO, JH, CD, BL

By: Colbert

H.B. 2012

Substitute the following for H.B. No. 2012:

By Arnold

C.S.H.B. 2012 *as amended*

ADOPTED

-----A BILL TO BE ENTITLED-----

MAY 16 1985

AN ACT

Betty Murray
Chief Clerk
House of Representatives

(de) { RELATING TO THE REGULATION OF MASSAGE THERAPISTS AND MASSAGE
ESTABLISHMENTS; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

(insert 2) →
SECTION 1. ~~DEFINITIONS. IN THE ACT:~~

(A). "MASSAGE THERAPY", AS A HEALTH CARE SERVICE, IS THE MANIPULATION OF SOFT TISSUE FOR THERAPEUTIC PURPOSES AND MAY INCLUDE, BUT IS NOT LIMITED TO, EFFLEURAGE (STROKING), PETRISSAGE (KNEADING), TAPOTEMENT (PERCUSSION), COMPRESSION, VIBRATION, FRICTION, NERVE STROKES, AND SWEDISH GYMNASTICS, EITHER BY HAND OR WITH MECHANICAL OR ELECTRICAL APPARATUS FOR THE PURPOSE OF BODY MASSAGE. THIS MAY INCLUDE THE USE OF OIL, SALT GLOWS, HEAT LAMPS, HOT AND COLD PACKS, TUB, SHOWER AND CABINET BATHS. MASSAGE THERAPY SHALL NOT INCLUDE DIAGNOSIS OR ANY SERVICE OR PROCEDURE FOR WHICH A LICENSE TO PRACTICE MEDICINE, CHIROPRACTIC, physical therapy, OR PODIATRY IS REQUIRED BY LAW.

(B). "MASSAGE THERAPIST" MEANS AN INDIVIDUAL WHO PRACTICES OR ADMINISTERS MASSAGE THERAPY TO A PATRON OF EITHER GENDER FOR COMPENSATION.

(C). (1) OTHER TERMS EQUIVALENT IN MEANING TO "MASSAGE THERAPIST" ARE: THERAPEUTIC MASSAGE PRACTITIONER, MASSAGINIST, MASSAGE TECHNICIAN, MASSEUR, MASSEUSE, MYO-THERAPIST, OR ANY DERIVATION OF THE ABOVE OR ANY LETTERS IMPLYING THE ABOVE.

(2) OTHER TERMS EQUIVALENT IN MEANING TO MASSAGE THERAPY ARE: MASSAGE, THERAPEUTIC MASSAGE, MASSAGE TECHNOLOGY, MYO-THERAPY, OR ANY DERIVATION OF THE ABOVE OR ANY LETTERS IMPLYING THE ABOVE.

(D). "MASSAGE THERAPY INSTRUCTOR" MEANS AN INDIVIDUAL WHO HAS ALREADY ACQUIRED THE STATUS OF MASSAGE THERAPIST, WHO HAS PRACTICED MASSAGE THERAPY FOR A MINIMUM OF FOUR YEARS, AND WHO IS INSTRUCTING ONE OR MORE APPRENTICE IN MASSAGE THERAPY.

(E). "MASSAGE ESTABLISHMENT" MEANS ANY PLACE OF BUSINESS WHEREIN MASSAGE THERAPY IS PRACTICED BY A MASSAGE THERAPIST, AS DEFINED IN THIS SECTION. -

(F). "DEPARTMENT" MEANS THE TEXAS DEPARTMENT OF HEALTH.

(G). "BOARD" MEANS THE TEXAS BOARD OF HEALTH.

(H). "COUNCIL" MEANS THE ADVISORY COUNCIL ON MASSAGE THERAPY.

(I). "PERSON" MEANS AN INDIVIDUAL, CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY.

SECTION 2. REGISTRATION REQUIREMENTS.

(A) AN INDIVIDUAL WHO IDENTIFIES ONESELF AS A MASSAGE THERAPIST MUST REGISTER IN ACCORDANCE WITH THIS ACT.

(B) AN INDIVIDUAL WHO REGISTERS UNDER THIS ACT MUST HAVE EITHER:

(1) SATISFACTORILY COMPLETED MASSAGE THERAPY STUDIES IN A 250 HOUR, SUPERVISED INSTRUCTION WHICH APPROPRIATES 125 HOURS TO THE STUDY OF SWEDISH MASSAGE THERAPY TECHNIQUES; 50 HOURS TO THE STUDY OF ANATOMY; 25 HOURS TO THE STUDY OF PHYSIOLOGY; 25 HOURS TO THE STUDY OF HYDROTHERAPY; 5 HOURS TO THE STUDY OF BUSINESS PRACTICES AND PROFESSIONAL ETHICS STANDARDS; 20 HOURS TO THE STUDY OF HEALTH AND HYGIENE. THIS INSTRUCTION SHALL HAVE BEEN PROVIDED BY A MASSAGE THERAPY INSTRUCTOR, OR IN A MASSAGE THERAPY SCHOOL RECOGNIZED BY THE DEPARTMENT, OR IN A STATE APPROVED INSTITUTION OR ANY COMBINATION THEREOF; OR

(2) HAVING BEEN DULY REGISTERED IN ANOTHER STATE OR COUNTRY AS A MASSAGE THERAPIST, WHICH STATE OR COUNTRY HAS AND MAINTAINS STANDARDS AND REQUIREMENTS OF PRACTICE AND LICENSING OR REGISTRATION THAT SUBSTANTIALLY CONFORM TO THOSE OF THIS STATE, AS SHALL BE DETERMINED BY THE DEPARTMENT; OR

(3) HAVING PRACTICED MASSAGE THERAPY AS A PROFESSION FOR A MINIMUM OF FIVE YEARS IN ANOTHER STATE OR COUNTRY WHICH DOES NOT HAVE NOR MAINTAIN STANDARDS AND REQUIREMENTS OF PRACTICE AND LICENSING OR REGISTRATION THAT SUBSTANTIALLY CONFORM TO THOSE OF THIS STATE, AS SHALL BE DETERMINED BY THE DEPARTMENT.

(C) NOTWITHSTANDING ANY OTHER REQUIREMENTS, ANY PERSON, RESIDENT OF THIS STATE, WHO IS ACTUALLY ENGAGED IN THE PRACTICE OF MASSAGE THERAPY, AND WHO HAS PRACTICED MASSAGE THERAPY AS A PROFESSION FOR TWO OR MORE YEARS; OR WHO HAS A DIPLOMA FROM AN APPROVED SCHOOL OF MASSAGE THERAPY; OR WHO IS A MEMBER IN GOOD STANDING IN THE AMERICAN MASSAGE THERAPY ASSOCIATION(AMTA) SHALL BE REGISTERED AS A MASSAGE THERAPIST BY MAKING APPLICATION TO THE DEPARTMENT PRIOR TO JANUARY 1, 1986, AND PAYING THE REQUIRED FEE.

SECTION 3. APPLICATION FOR REGISTRATION.

APPLICANTS FOR REGISTRATION UNDER THIS ACT SHALL SUBMIT APPLICATION FORMS PROVIDED BY THE DEPARTMENT, ACCOMPANIED BY THE APPLICATION FEE SET BY THE DEPARTMENT.

SECTION 4. EXEMPTIONS. THIS ACT DOES NOT APPLY TO A PERSON WHO:

(A) IS LICENSED IN THE STATE AS A PHYSICIAN, CHIROPRACTOR, PHYSICAL THERAPIST, NURSE, COSMETOLOGIST, OR ATHLETIC TRAINER; OR WHO

(B) PRACTICES ANOTHER SIMILAR PROFESSION THAT IS SUBJECT TO STATE LICENSING.

SECTION 5. REGULATION OF ADVERTISING.

(A) THE FULL NAME OR CERTIFICATE OF REGISTRATION OF EACH MASSAGE THERAPIST WHO PRACTICES IN THE MASSAGE ESTABLISHMENT MUST BE POSTED IN PLAIN SIGHT.

(B) IT IS PROHIBITED FOR ANY PERSON NOT REGISTERED ACCORDING TO THIS ACT TO USE THE WORD "MASSAGE" ON ANY SIGN OR OTHER FORM OF ADVERTISING.

SECTION 6. PENALTY.

(A) A PERSON SUBJECT TO THE REGISTRATION REQUIREMENT OF THIS ACT COMMITS AN OFFENSE IF THE PERSON KNOWINGLY VIOLATES SECTION TWO OF THIS ACT.

(B) THE OWNER OR OPERATOR OF A MASSAGE ESTABLISHMENT COMMITS AN OFFENSE IF THAT PERSON KNOWINGLY VIOLATES SECTION FIVE OF THIS ACT.

(C) A FIRST OFFENSE UNDER THIS SECTION IS A CLASS C MISDEMEANOR. A SUBSEQUENT OFFENSE IS A CLASS A MISDEMEANOR.

SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE DEPARTMENT.

(A) THE BOARD SHALL ADOPT RULES AND REGULATIONS CONSISTENT WITH THIS ACT WHICH ARE NECESSARY FOR THE PERFORMANCE OF ITS DUTIES.

(B) THE DEPARTMENT SHALL ADMINISTER THIS ACT.

(C) THE DEPARTMENT SHALL INVESTIGATE PERSONS WHO MAY BE ENGAGING IN PRACTICES THAT VIOLATE THIS ACT.

SECTION 8. THE ADVISORY COUNCIL.

(A) THE ADVISORY COUNCIL OF MASSAGE THERAPY IS CREATED. THE COUNCIL IS CREATED AS A PART OF THE DEPARTMENT AND SHALL PERFORM ITS DUTIES WITHIN THE DEPARTMENT.

(B) THE ADVISORY COUNCIL SHALL BE APPOINTED BY THE BOARD OF HEALTH AND SHALL BE COMPOSED OF NINE MEMBERS. FIVE MEMBERS SHALL BE MASSAGE THERAPISTS, ONE MEMBER SHALL BE A CHIROPRACTOR, ONE MEMBER SHALL BE A PHYSICIAN, AND TWO MEMBERS SHALL REPRESENT THE GENERAL PUBLIC.

(C) MEMBERS OF THE ADVISORY COUNCIL SHALL HOLD OFFICE FOR STAGGERED TERMS OF SIX YEARS, WITH THE TERM OF OFFICE FOR THREE MEMBERS EXPIRING SEPTEMBER 1 OF EACH ODD-NUMBERED YEAR. IF A VACANCY OCCURS, THE BOARD SHALL APPOINT A REPLACEMENT IN THE SAME MANNER AS OTHER APPOINTMENTS TO FILL THE UNEXPIRED PORTION OF THE TERM.

(D) A MEMBER OF THE ADVISORY COUNCIL MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE COUNCIL, BUT MAY RECEIVE A PER DIEM ALLOWANCE FOR TRANSPORTATION AND RELATED EXPENSES INCURRED FOR EACH DAY THE MEMBER ENGAGES IN THE BUSINESS OF THE COUNCIL AS SET BY THE LEGISLATURE IN THE GENERAL APPROPRIATIONS ACT.

(E) A PERSON WHO IS REQUIRED TO REGISTER AS A LOBBYIST UNDER CHAPTER 422, ACTS OF THE 63RD LEGISLATURE, REGULAR SESSION, 1973 (ARTICLE 6252-9c, VERNON'S TEXAS CIVIL STATUTES), MAY NOT SERVE AS A MEMBER ON THE ADVISORY COUNCIL.

(F) THE ADVISORY COUNCIL IS SUBJECT TO THE OPEN MEETINGS LAW, CHAPTER 271, ACTS OF THE 60TH LEGISLATURE, REGULAR SESSION, 1967 (ARTICLE 6252-17, VERNON'S TEXAS CIVIL STATUTES), AND THE ADMINISTRATIVE PROCEDURE AND TEXAS REGISTER ACT (ARTICLE 6252-13a, VERNON'S TEXAS CIVIL STATUTES).

(G) A MEMBER OF THE ADVISORY COUNCIL IS NOT LIABLE TO CIVIL ACTION FOR ANY ACT PERFORMED IN GOOD FAITH IN THE EXECUTION OF DUTIES AS A COUNCIL MEMBER.

(H) A MASSAGE THERAPIST SERVING ON THE ADVISORY COUNCIL SHALL NOT BE SIMILARLY LICENSED OR REGISTERED BY ANY OTHER ACT.

SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL.

(A) THE COUNCIL BY RULE SHALL PRESCRIBE APPLICATION FORMS AND FEES IN THE AMOUNTS NECESSARY TO ADMINISTER THIS ACT.

(B) THE COUNCIL SHALL MEET AT LEAST TWICE A YEAR. ADDITIONAL MEETINGS MAY BE HELD ON THE CALL OF THE CHAIRMAN OR AT THE WRITTEN REQUEST OF ANY THREE MEMBERS OF THE COUNCIL.

(C) THE COUNCIL SHALL KEEP A COMPLETE RECORD OF ALL REGISTERED MASSAGE THERAPISTS AND SHALL ANNUALLY PREPARE A ROSTER SHOWING THE NAMES AND ADDRESSES OF ALL REGISTERED MASSAGE THERAPISTS. A COPY OF THE ROSTER SHALL BE MADE AVAILABLE TO ANY PERSON REQUESTING IT ON PAYMENT OF A FEE ESTABLISHED BY THE COUNCIL AS SUFFICIENT TO COVER THE COSTS OF THE ROSTER.

SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES.

(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REGISTRATION TO EACH QUALIFIED MASSAGE THERAPIST.

(B) A PERSON ISSUED A CERTIFICATE BY THE DEPARTMENT SHALL DISPLAY THE CERTIFICATE IN AN APPROPRIATE AND PUBLIC MANNER AS SPECIFIED BY THE BOARD.

(C) THE ISSUANCE OF A REGISTRATION CERTIFICATE GRANTS ALL PROFESSIONAL RIGHTS, HONORS, AND PRIVILEGES PERTAINING TO THE EXECUTION OF MASSAGE THERAPY.

(D) A CERTIFICATE OF REGISTRATION IS THE PROPERTY OF THE DEPARTMENT AND MUST BE SURRENDERED ON DEMAND.

SECTION 11. DENIAL, PROBATION, SUSPENSION, AND REVOCATION.

(A) THE DEPARTMENT MAY REFUSE TO ISSUE A CERTIFICATE OF REGISTRATION TO AN APPLICANT, OR SUSPEND OR REVOKE THE CERTIFICATE, OR PLACE ON PROBATION AN INDIVIDUAL FOR ANY OF THE FOLLOWING CAUSES:

(1) OBTAINING A CERTIFICATE BY MEANS OF FRAUD, MISREPRESENTATION, OR CONCEALMENT OF MATERIAL FACTS;

(2) SELLING, BARTERING, OR OFFER TO SELL OR BARTER A CERTIFICATE OF REGISTRATION;

(3) VIOLATING ANY LAWFUL ORDER OR RULE RENDERED OR ADOPTED BY THE BOARD;

(4) VIOLATING ANY PROVISIONS OF THIS ACT.

(B) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF CRIMES OR OFFENSES INVOLVING PROSTITUTION OR SEXUAL OFFENSES IS INELIGIBLE TO REGISTER AS A MASSAGE THERAPIST.

(C) A PERSON WHOSE APPLICATION OF REGISTRATION IS DENIED, SUSPENDED, OR REVOKED IS ENTITLED TO A HEARING BEFORE THE DEPARTMENT IF SUCH PERSON SUBMITS A WRITTEN REQUEST TO THE DEPARTMENT. HEARINGS ARE GOVERNED BY DEPARTMENT RULES FOR A CONTESTED HEARING AND BY THE ADMINISTRATIVE PROCEDURE AND TEXAS REGISTER ACT (ARTICLE 6252-13a, VERNON'S TEXAS CIVIL STATUTES).

(D) ANY PERSON CONVICTED OF A VIOLATION OF THE PROVISIONS OF THIS ACT IS INELIGIBLE TO REGISTER AS A MASSAGE THERAPIST FOR A PERIOD OF FIVE YEARS, AFTER WHICH TIME THE INDIVIDUAL MAY PETITION THE DEPARTMENT.

SECTION 12. RENEWAL OF REGISTRATION.

(A) REGISTRATION UNDER THIS ACT SHALL BE SUBJECT TO ANNUAL RENEWAL AND SHALL EXPIRE UNLESS THE REGISTERED PERSON SUBMITS AN APPLICATION FOR RENEWAL ACCOMPANIED BY THE RENEWAL FEE.

(B) THE DEPARTMENT SHALL ADOPT A SYSTEM UNDER WHICH REGISTRATIONS EXPIRE AND ARE RENEWED ON VARIOUS DATES OF THE YEAR. INITIAL REGISTRATION FEES SHALL BE PRO-RATED SO THAT A REGISTERED PERSON SHALL PAY ONLY FOR THAT PART OF THE YEAR UNTIL THE EXPIRATION DATE OF THE REGISTRATION.

(C) A PERSON REGISTERED UNDER THIS ACT WHO DOES NOT RENEW REGISTRATION BY THE EXPIRATION DATE MAY RENEW THE REGISTRATION WITHIN 90 DAYS AFTER THE EXPIRATION DATE BY MEETING THE REQUIREMENTS SET FORTH IN THIS SECTION AND PAYING A LATE PENALTY FEE.

(D) THE REGISTRATION OF A PERSON WHO FAILS TO MEET THE RENEWAL REQUIREMENTS IN (A) OR (C) OF THIS SECTION SHALL BE VOID UNTIL THE PERSON SUBMITS A NEW APPLICATION, PAYS THE APPROPRIATE FEES, AND MEETS THE CURRENT REQUIREMENTS FOR REGISTRATION.

SECTION 13. INJUNCTIVE RELIEF.

THE ATTORNEY GENERAL OF THIS STATE OR A DISTRICT OR COUNTY ATTORNEY MAY INSTITUTE A CIVIL ACTION TO COMPEL COMPLIANCE WITH

THIS ACT OR TO ENFORCE A RULE ADOPTED UNDER THIS ACT. IN ADDITION TO ANY INJUNCTIVE RELIEF OR ANY OTHER REMEDY PROVIDED BY LAW, A PERSON WHO VIOLATES THIS ACT OR A RULE ADOPTED UNDER THIS ACT IS LIABLE FOR A CIVIL PENALTY.

SECTION 14. LOCAL REGULATION.

THIS ACT SUPERSEDES ANY REGULATION RELATING TO MASSAGE THERAPISTS ENACTED BY A POLITICAL SUBDIVISION OF THIS STATE.

SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT. AN INDIVIDUAL IS NOT REQUIRED TO BE REGISTERED UNDER THIS ACT UNTIL JANUARY 1, 1986.

SECTION 16. EFFECTIVE DATE OF THIS ACT. THIS ACT TAKES EFFECT SEPTEMBER 1, 1985.

SECTION 17. SEVERABILITY.

IF ANY PROVISION OF THIS ACT OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THIS INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE ACT WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE DECLARED SEVERABLE.

SECTION 18. EMERGENCY.

THE IMPORTANCE OF THIS LEGISLATION AND THE CROWDED CONDITION OF THE CALENDARS IN BOTH HOUSES CREATE AN EMERGENCY AND AN IMPERATIVE PUBLIC NECESSITY THAT THE CONSTITUTIONAL RULE REQUIRING BILLS TO BE READ ON THREE SEVERAL DAYS IN EACH HOUSE BE SUSPENDED, AND THIS RULE IS HEREBY SUSPENDED.

(((insert 2)))

ADOPTED

MAY 16 1985

Betty Murray
Chief Clerk
House of Representatives

AMENDMENT NO. ①

BY *Colbert*

1 Amend H.B. 2012 by striking all below the enacting clause and
2 substituting the following:

3 SECTION 1. DEFINITIONS. In this Act:

4 (1) "Massage therapy," as a health care service, means the
5 manipulation of soft tissue for therapeutic purposes. The term
6 includes, but is not limited to, effleurage (stroking), petrissage
7 (kneading), tapotement (percussion), compression, vibration,
8 friction, nerve strokes, and Swedish gymnastics, either by hand or
9 with mechanical or electrical apparatus for the purpose of body
10 massage. Massage therapy may include the use of oil, salt glows,
11 heat lamps, hot and cold packs, tub, shower, or cabinet baths.
12 Equivalent terms for massage therapy are massage, therapeutic
13 massage, massage technology, myo-therapy, or any derivation of
14 those terms. As used in this Act, the terms "therapy" and
15 "therapeutic" do not include diagnosis, the treatment of illness or
16 disease, or any service or procedure for which a license to
17 practice medicine, chiropractic, physical therapy, or podiatry is
18 required by law.

19 (2) "Massage therapist" means an individual who practices or
20 administers massage therapy to a patron of either gender for
21 compensation. The term includes a therapeutic massage
22 practitioner, massagist, massage technician, masseur, masseuse,
23 myo-therapist, or any derivation of those titles.

24 (3) "Massage therapy instructor" means an individual who has

1 already acquired the status of massage therapist, who has practiced
2 massage therapy for a minimum of four years, and who is instructing
3 one or more apprentices in massage therapy.

4 (4) "Massage establishment" means any place of business in
5 which massage therapy is practiced by a massage therapist.

6 (5) "Department" means the Texas Department of Health.

7 (6) "Board" means the Texas Board of Health.

8 (7) "Advisory Council" means the Advisory Council on Massage
9 Therapy.

10 (8) "Person" means an individual, corporation, association,
11 or other legal entity.

12 SECTION 2. REGISTRATION REQUIREMENTS. (a) An individual
13 who practices as a massage therapist must register as provided by
14 this Act.

15 (b) An individual who registers under this Act must present
16 evidence satisfactory to the board that the person:

17 (1) has satisfactorily completed massage therapy studies in
18 a 250 hour, supervised course of instruction provided by a massage
19 therapy instructor, by a massage therapy school recognized by the
20 department, by a state approved educational institution, or by any
21 combination of instructors or schools, in which 125 hours are
22 dedicated to the study of Swedish massage therapy techniques, 50
23 hours to the study of anatomy, 25 hours to the study of physiology,
24 25 hours to the study of hydrotherapy, five hours to the study of
25 business practices and professional ethics standards, and 20 hours
26 to the study of health and hygiene;

27 (2) is registered as a massage therapist in another state or

country that has and maintains standards and requirements of practice and licensing or registration that substantially conform to those of this state, as determined by the department; or

(3) has practiced massage therapy as a profession for not less than five years in another state or country that does not have or maintain standards and requirements of practice and licensing or registration that substantially conform to those of this state, as determined by the department.

SECTION 3. APPLICATION FOR REGISTRATION. Each applicant for registration under this Act shall submit application forms provided by the department, accompanied by the application fee set by the department.

SECTION 4. EXEMPTIONS. This Act does not apply to a person who is licensed in this state as a physician, chiropractor, physical therapist, nurse, cosmetologist, athletic trainer, or as a member of another similar profession that is subject to state licensing.

SECTION 5. REGULATION OF ADVERTISING; PROHIBITION. (a) Each massage establishment must post in plain sight the certificate of registration of each massage therapist who practices in the massage establishment.

(b) A person who is not registered under this Act may not use the word "massage" on any sign or other form of advertising.

SECTION 6. PENALTY. (a) A person subject to the registration requirement of this Act commits an offense if the person knowingly violates Section 2 of this Act.

(b) The owner or operator of a massage establishment commits

1 an offense if that person knowingly violates Section 5 of this Act.

2 (c) An offense under this section is a Class C misdemeanor.
3 However, if it is shown on the trial of an offense under this
4 section that the person has previously been convicted one or more
5 times of an offense under this section, the offense is a Class A
6 misdemeanor.

7 SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE
8 DEPARTMENT. (a) The board shall adopt rules consistent with this
9 Act as necessary for the performance of its duties under this Act.
10 The board shall adopt the rules in the manner provided by the
11 Administrative Procedure and Texas Register Act (Article 6252-13a,
12 Vernon's Texas Civil Statutes).

13 (b) The department shall administer this Act.

14 (c) The department shall investigate persons who may be
15 engaging in practices that violate this Act.

16 SECTION 8. ADVISORY COUNCIL. (a) The Advisory Council on
17 Massage Therapy is created as an advisory council to the
18 department.

19 (b) The advisory council is composed of nine members
20 appointed by the board of health. Five members must be massage
21 therapists regulated under this Act, one member must be a licensed
22 chiropractor, one member must be a licensed physician, and two
23 members must be representatives of the general public.

24 (c) Members of the advisory council hold office for
25 staggered terms of six years. Three members' terms expire
26 September 1 of each odd-numbered year. In the event of a vacancy
27 during a term, the board shall appoint a replacement who meets the

1 qualifications of the vacated office to fill the unexpired portion
2 of the term.

3 (d) A member of the advisory council may not receive
4 compensation for serving on the council, but is entitled to receive
5 the state per diem allowance as set by the legislature in the
6 General Appropriations Act for transportation and related expenses
7 incurred for each day the member engages in the business of the
8 council.

9 (e) A person who is required to register as a lobbyist under
10 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973
11 (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as
12 a member on the advisory council.

13 (f) The advisory council is subject to the open meetings
14 law, Chapter 271, Acts of the 60th Legislature, Regular Session,
15 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the
16 Administrative Procedure and Texas Register Act (Article 6252-13a,
17 Vernon's Texas Civil Statutes).

18 (g) A member of the advisory council is not liable to civil
19 action for any act performed in good faith in the execution of
20 duties as a council member.

21 (h) A massage therapist member of the advisory council may
22 not be a member of another profession regulated or licensed by this
23 state.

24 SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. (a)
25 The advisory council by rule shall prescribe application forms and
26 registration fees. The advisory council shall set the fees in
27 amounts reasonable and necessary to administer this Act.

1 (b) The advisory council shall meet at least twice a year.
2 Additional meetings may be held at the call of the presiding
3 officer or on the written request of any three members of the
4 council.

5 (c) The advisory council shall keep a complete record of all
6 registered massage therapists and shall annually prepare a roster
7 showing the names and addresses of all registered massage
8 therapists. A copy of the roster shall be available to any person
9 requesting it on payment of a fee set by the council in an amount
10 sufficient to cover the costs of distribution of the roster.

11 SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. (a) The
12 department shall issue a registration certificate to each qualified
13 massage therapist.

14 (b) A person issued a certificate by the department shall
15 display the certificate in an appropriate public manner as
16 specified by the board.

17 (c) The issuance of a registration certificate grants all
18 professional rights, honors, and privileges relating to the
19 practice of massage therapy.

20 (d) A registration certificate is the property of the
21 department and must be surrendered on demand.

22 SECTION 11. REGISTRATION, DENIAL, PROBATION, SUSPENSION, OR
23 REVOCATION. (a) The department may refuse to issue a registration
24 certificate to an applicant, may suspend or revoke a registration
25 certificate, or may place a registered person on probation for any
26 of the following causes:

27 (1) obtaining a certificate by means of fraud,

1 misrepresentation, or concealment of material facts;

2 (2) selling, bartering, or offer to sell or barter a
3 registration certificate;

4 (3) violating any rule adopted by the board; or

5 (4) violating any provisions of this Act.

6 (b) An individual who has been convicted of crimes or
7 offenses involving prostitution or sexual offenses is ineligible
8 for registration as a massage therapist.

9 (c) A person whose application for registration is denied,
10 or whose registration is suspended or revoked is entitled to a
11 hearing before the department if the person submits a written
12 request to the department. Hearings are governed by department
13 rules for a contested hearing and by the Administrative Procedure
14 and Texas Register Act (Article 6252-13a, Vernon's Texas Civil
15 Statutes).

16 (d) A person convicted of a violation of this Act is
17 ineligible for registration as a massage therapist for a period of
18 five years.

19 SECTION 12. RENEWAL OF REGISTRATION. (a) Registration
20 under this Act is subject to annual renewal and expires unless the
21 registered person submits an application for renewal accompanied by
22 the renewal fee.

23 (b) The department shall adopt a system under which
24 registrations expire and are renewed on various dates of the year.
25 Initial registration fees shall be prorated so that a registered
26 person pays only for that part of the year for which the
27 registration is issued until the expiration date of the

1 registration.

2 (c) A person registered under this Act who does not renew
3 registration by the expiration date may renew the registration not
4 later than the 90th day after the expiration date by meeting the
5 requirements set forth in this section and paying a late penalty
6 fee.

7 (d) The registration of a person who fails to meet the
8 renewal requirements of this section is void. Such a person must
9 submit a new application, pay the appropriate fees, and meet the
10 current requirements for registration.

11 SECTION 13. INJUNCTIVE RELIEF. The attorney general or a
12 district or county attorney may institute a civil action to compel
13 compliance with this Act or to enforce a rule adopted under this
14 Act. In addition to any injunctive relief or any other remedy
15 provided by law, a person who violates this Act or a rule adopted
16 under this Act is subject to a civil penalty in an amount not to
17 exceed \$500.

18 SECTION 14. EFFECT ON LOCAL REGULATION. This Act supersedes
19 any regulation adopted by a political subdivision of this state
20 relating to the licensing or regulation of massage therapists. It
21 does not affect local regulations relating to zoning requirements
22 for massage establishments or other similar regulations.

23 SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT;
24 GRANDFATHER CLAUSE. (a) An individual is not required to be
25 registered under this Act until January 1, 1986.

26 (b) A person, who is engaged in the practice of massage
27 therapy on the effective date of this Act and who has practiced

1 message therapy for not less than two years before the effective
2 date of this Act, who has a diploma from an approved school of
3 message therapy, or who is a member in good standing in the
4 American Massage Therapy Association is entitled to registration as
5 a massage therapist without compliance with Section 2 of this Act
6 if the person applies to the department for registration before
7 January 1, 1986, and pays the required fee.

8 SECTION 16. EFFECTIVE DATE. This Act takes effect September
9 1, 1985.

10 SECTION 17. EMERGENCY. The importance of this legislation
11 and the crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended.

1985 MAY 17 AM 2:09

HOUSE OF REPRESENTATIVES

ENGROSSED
SECOND READING

By Colbert

H.B. No. 2012

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of massage therapists and massage establishments; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, myo-therapy, or any derivation of those terms. As used in this Act, the terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

(2) "Massage therapist" means an individual who practices or administers massage therapy to a patron of either gender for compensation. The term includes a therapeutic massage practitioner, massagist, massage technician, masseur, masseuse,

1 myo-therapist, or any derivation of those titles.

2 (3) "Massage therapy instructor" means an individual who has
3 already acquired the status of massage therapist, who has practiced
4 massage therapy for a minimum of four years, and who is instructing
5 one or more apprentices in massage therapy.

6 (4) "Massage establishment" means any place of business in
7 which massage therapy is practiced by a massage therapist.

8 (5) "Department" means the Texas Department of Health.

9 (6) "Board" means the Texas Board of Health.

10 (7) "Advisory Council" means the Advisory Council on Massage
11 Therapy.

12 (8) "Person" means an individual, corporation, association,
13 or other legal entity.

14 SECTION 2. REGISTRATION REQUIREMENTS. (a) An individual
15 who practices as a massage therapist must register as provided by
16 this Act.

17 (b) An individual who registers under this Act must present
18 evidence satisfactory to the board that the person:

19 (1) has satisfactorily completed massage therapy studies in
20 a 250 hour, supervised course of instruction provided by a massage
21 therapy instructor, by a massage therapy school recognized by the
22 department, by a state approved educational institution, or by any
23 combination of instructors or schools, in which 125 hours are
24 dedicated to the study of Swedish massage therapy techniques, 50
25 hours to the study of anatomy, 25 hours to the study of physiology,
26 25 hours to the study of hydrotherapy, five hours to the study of
27 business practices and professional ethics standards, and 20 hours

1 to the study of health and hygiene;

2 (2) is registered as a massage therapist in another state or
3 country that has and maintains standards and requirements of
4 practice and licensing or registration that substantially conform
5 to those of this state, as determined by the department; or

6 (3) has practiced massage therapy as a profession for not
7 less than five years in another state or country that does not have
8 or maintain standards and requirements of practice and licensing or
9 registration that substantially conform to those of this state, as
10 determined by the department.

11 SECTION 3. APPLICATION FOR REGISTRATION. Each applicant for
12 registration under this Act shall submit application forms provided
13 by the department, accompanied by the application fee set by the
14 department.

15 SECTION 4. EXEMPTIONS. This Act does not apply to a person
16 who is licensed in this state as a physician, chiropractor,
17 physical therapist, nurse, cosmetologist, athletic trainer, or as a
18 member of another similar profession that is subject to state
19 licensing.

20 SECTION 5. REGULATION OF ADVERTISING; PROHIBITION. (a)
21 Each massage establishment must post in plain sight the certificate
22 of registration of each massage therapist who practices in the
23 massage establishment.

24 (b) A person who is not registered under this Act may not
25 use the word "massage" on any sign or other form of advertising.

26 SECTION 6. PENALTY. (a) A person subject to the
27 registration requirement of this Act commits an offense if the

1 person knowingly violates Section 2 of this Act.

2 (b) The owner or operator of a massage establishment commits
3 an offense if that person knowingly violates Section 5 of this Act.

4 (c) An offense under this section is a Class C misdemeanor.
5 However, if it is shown on the trial of an offense under this
6 section that the person has previously been convicted one or more
7 times of an offense under this section, the offense is a Class A
8 misdemeanor.

9 SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE
10 DEPARTMENT. (a) The board shall adopt rules consistent with this
11 Act as necessary for the performance of its duties under this Act.
12 The board shall adopt the rules in the manner provided by the
13 Administrative Procedure and Texas Register Act (Article 6252-13a,
14 Vernon's Texas Civil Statutes).

15 (b) The department shall administer this Act.

16 (c) The department shall investigate persons who may be
17 engaging in practices that violate this Act.

18 SECTION 8. ADVISORY COUNCIL. (a) The Advisory Council on
19 Massage Therapy is created as an advisory council to the
20 department.

21 (b) The advisory council is composed of nine members
22 appointed by the board of health. Five members must be massage
23 therapists regulated under this Act, one member must be a licensed
24 chiropractor, one member must be a licensed physician, and two
25 members must be representatives of the general public.

26 (c) Members of the advisory council hold office for
27 staggered terms of six years. Three members' terms expire

1 September 1 of each odd-numbered year. In the event of a vacancy
2 during a term, the board shall appoint a replacement who meets the
3 qualifications of the vacated office to fill the unexpired portion
4 of the term.

5 (d) A member of the advisory council may not receive
6 compensation for serving on the council, but is entitled to receive
7 the state per diem allowance as set by the legislature in the
8 General Appropriations Act for transportation and related expenses
9 incurred for each day the member engages in the business of the
10 council.

11 (e) A person who is required to register as a lobbyist under
12 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973
13 (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as
14 a member on the advisory council.

15 (f) The advisory council is subject to the open meetings
16 law, Chapter 271, Acts of the 60th Legislature, Regular Session,
17 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the
18 Administrative Procedure and Texas Register Act (Article 6252-13a,
19 Vernon's Texas Civil Statutes).

20 (g) A member of the advisory council is not liable to civil
21 action for any act performed in good faith in the execution of
22 duties as a council member.

23 (h) A massage therapist member of the advisory council may
24 not be a member of another profession regulated or licensed by this
25 state.

26 SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. (a)
27 The advisory council by rule shall prescribe application forms and

1 registration fees. The advisory council shall set the fees in
2 amounts reasonable and necessary to administer this Act.

3 (b) The advisory council shall meet at least twice a year.
4 Additional meetings may be held at the call of the presiding
5 officer or on the written request of any three members of the
6 council.

7 (c) The advisory council shall keep a complete record of all
8 registered massage therapists and shall annually prepare a roster
9 showing the names and addresses of all registered massage
10 therapists. A copy of the roster shall be available to any person
11 requesting it on payment of a fee set by the council in an amount
12 sufficient to cover the costs of distribution of the roster.

13 SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. (a) The
14 department shall issue a registration certificate to each qualified
15 massage therapist.

16 (b) A person issued a certificate by the department shall
17 display the certificate in an appropriate public manner as
18 specified by the board.

19 (c) The issuance of a registration certificate grants all
20 professional rights, honors, and privileges relating to the
21 practice of massage therapy.

22 (d) A registration certificate is the property of the
23 department and must be surrendered on demand.

24 SECTION 11. REGISTRATION, DENIAL, PROBATION, SUSPENSION, OR
25 REVOCATION. (a) The department may refuse to issue a registration
26 certificate to an applicant, may suspend or revoke a registration
27 certificate, or may place a registered person on probation for any

1 of the following causes:

2 (1) obtaining a certificate by means of fraud,
3 misrepresentation, or concealment of material facts;

4 (2) selling, bartering, or offer to sell or barter a
5 registration certificate;

6 (3) violating any rule adopted by the board; or

7 (4) violating any provisions of this Act.

8 (b) An individual who has been convicted of crimes or
9 offenses involving prostitution or sexual offenses is ineligible
10 for registration as a massage therapist.

11 (c) A person whose application for registration is denied,
12 or whose registration is suspended or revoked is entitled to a
13 hearing before the department if the person submits a written
14 request to the department. Hearings are governed by department
15 rules for a contested hearing and by the Administrative Procedure
16 and Texas Register Act (Article 6252-13a, Vernon's Texas Civil
17 Statutes).

18 (d) A person convicted of a violation of this Act is
19 ineligible for registration as a massage therapist for a period of
20 five years.

21 SECTION 12. RENEWAL OF REGISTRATION. (a) Registration
22 under this Act is subject to annual renewal and expires unless the
23 registered person submits an application for renewal accompanied by
24 the renewal fee.

25 (b) The department shall adopt a system under which
26 registrations expire and are renewed on various dates of the year.
27 Initial registration fees shall be prorated so that a registered

1 person pays only for that part of the year for which the
2 registration is issued until the expiration date of the
3 registration.

4 (c) A person registered under this Act who does not renew
5 registration by the expiration date may renew the registration not
6 later than the 90th day after the expiration date by meeting the
7 requirements set forth in this section and paying a late penalty
8 fee.

9 (d) The registration of a person who fails to meet the
10 renewal requirements of this section is void. Such a person must
11 submit a new application, pay the appropriate fees, and meet the
12 current requirements for registration.

13 SECTION 13. INJUNCTIVE RELIEF. The attorney general or a
14 district or county attorney may institute a civil action to compel
15 compliance with this Act or to enforce a rule adopted under this
16 Act. In addition to any injunctive relief or any other remedy
17 provided by law, a person who violates this Act or a rule adopted
18 under this Act is subject to a civil penalty in an amount not to
19 exceed \$500.

20 SECTION 14. EFFECT ON LOCAL REGULATION. This Act supersedes
21 any regulation adopted by a political subdivision of this state
22 relating to the licensing or regulation of massage therapists. It
23 does not affect local regulations relating to zoning requirements
24 for massage establishments or other similar regulations.

25 SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT;
26 GRANDFATHER CLAUSE. (a) An individual is not required to be
27 registered under this Act until January 1, 1986.

1 (b) A person, who is engaged in the practice of massage
2 therapy on the effective date of this Act and who has practiced
3 massage therapy for not less than two years before the effective
4 date of this Act, who has a diploma from an approved school of
5 massage therapy, or who is a member in good standing in the
6 American Massage Therapy Association is entitled to registration as
7 a massage therapist without compliance with Section 2 of this Act
8 if the person applies to the department for registration before
9 January 1, 1986, and pays the required fee.

10 SECTION 16. EFFECTIVE DATE. This Act takes effect September
11 1, 1985.

12 SECTION 17. EMERGENCY. The importance of this legislation
13 and the crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

HOUSE ENGROSSMENT

10 MAY 18 AM 12 '12

1000000

By Colbert

H.B. No. 2012

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of massage therapists and massage establishments; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, myo-therapy, or any derivation of those terms. As used in this Act, the terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

(2) "Massage therapist" means an individual who practices or administers massage therapy to a patron of either gender for compensation. The term includes a therapeutic massage practitioner, massagist, massage technician, masseur, masseuse,

1 myo-therapist, or any derivation of those titles.

2 (3) "Massage therapy instructor" means an individual who has
3 already acquired the status of massage therapist, who has practiced
4 massage therapy for a minimum of four years, and who is instructing
5 one or more apprentices in massage therapy.

6 (4) "Massage establishment" means any place of business in
7 which massage therapy is practiced by a massage therapist.

8 (5) "Department" means the Texas Department of Health.

9 (6) "Board" means the Texas Board of Health.

10 (7) "Advisory Council" means the Advisory Council on Massage
11 Therapy.

12 (8) "Person" means an individual, corporation, association,
13 or other legal entity.

14 SECTION 2. REGISTRATION REQUIREMENTS. (a) An individual
15 who practices as a massage therapist must register as provided by
16 this Act.

17 (b) An individual who registers under this Act must present
18 evidence satisfactory to the board that the person:

19 (1) has satisfactorily completed massage therapy studies in
20 a 250 hour, supervised course of instruction provided by a massage
21 therapy instructor, by a massage therapy school recognized by the
22 department, by a state approved educational institution, or by any
23 combination of instructors or schools, in which 125 hours are
24 dedicated to the study of Swedish massage therapy techniques, 50
25 hours to the study of anatomy, 25 hours to the study of physiology,
26 25 hours to the study of hydrotherapy, five hours to the study of
27 business practices and professional ethics standards, and 20 hours

1 to the study of health and hygiene;

2 (2) is registered as a massage therapist in another state or
3 country that has and maintains standards and requirements of
4 practice and licensing or registration that substantially conform
5 to those of this state, as determined by the department; or

6 (3) has practiced massage therapy as a profession for not
7 less than five years in another state or country that does not have
8 or maintain standards and requirements of practice and licensing or
9 registration that substantially conform to those of this state, as
10 determined by the department.

11 SECTION 3. APPLICATION FOR REGISTRATION. Each applicant for
12 registration under this Act shall submit application forms provided
13 by the department, accompanied by the application fee set by the
14 department.

15 SECTION 4. EXEMPTIONS. This Act does not apply to a person
16 who is licensed in this state as a physician, chiropractor,
17 physical therapist, nurse, cosmetologist, athletic trainer, or as a
18 member of another similar profession that is subject to state
19 licensing.

20 SECTION 5. REGULATION OF ADVERTISING; PROHIBITION. (a)
21 Each massage establishment must post in plain sight the certificate
22 of registration of each massage therapist who practices in the
23 massage establishment.

24 (b) A person who is not registered under this Act may not
25 use the word "massage" on any sign or other form of advertising.

26 SECTION 6. PENALTY. (a) A person subject to the
27 registration requirement of this Act commits an offense if the

1 person knowingly violates Section 2 of this Act.

2 (b) The owner or operator of a massage establishment commits
3 an offense if that person knowingly violates Section 5 of this Act.

4 (c) An offense under this section is a Class C misdemeanor.
5 However, if it is shown on the trial of an offense under this
6 section that the person has previously been convicted one or more
7 times of an offense under this section, the offense is a Class A
8 misdemeanor.

9 SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE
10 DEPARTMENT. (a) The board shall adopt rules consistent with this
11 Act as necessary for the performance of its duties under this Act.
12 The board shall adopt the rules in the manner provided by the
13 Administrative Procedure and Texas Register Act (Article 6252-13a,
14 Vernon's Texas Civil Statutes).

15 (b) The department shall administer this Act.

16 (c) The department shall investigate persons who may be
17 engaging in practices that violate this Act.

18 SECTION 8. ADVISORY COUNCIL. (a) The Advisory Council on
19 Massage Therapy is created as an advisory council to the
20 department.

21 (b) The advisory council is composed of nine members
22 appointed by the board of health. Five members must be massage
23 therapists regulated under this Act, one member must be a licensed
24 chiropractor, one member must be a licensed physician, and two
25 members must be representatives of the general public.

26 (c) Members of the advisory council hold office for
27 staggered terms of six years. Three members' terms expire

1 September 1 of each odd-numbered year. In the event of a vacancy
2 during a term, the board shall appoint a replacement who meets the
3 qualifications of the vacated office to fill the unexpired portion
4 of the term.

5 (d) A member of the advisory council may not receive
6 compensation for serving on the council, but is entitled to receive
7 the state per diem allowance as set by the legislature in the
8 General Appropriations Act for transportation and related expenses
9 incurred for each day the member engages in the business of the
10 council.

11 (e) A person who is required to register as a lobbyist under
12 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973
13 (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as
14 a member on the advisory council.

15 (f) The advisory council is subject to the open meetings
16 law, Chapter 271, Acts of the 60th Legislature, Regular Session,
17 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the
18 Administrative Procedure and Texas Register Act (Article 6252-13a,
19 Vernon's Texas Civil Statutes).

20 (g) A member of the advisory council is not liable to civil
21 action for any act performed in good faith in the execution of
22 duties as a council member.

23 (h) A massage therapist member of the advisory council may
24 not be a member of another profession regulated or licensed by this
25 state.

26 SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. (a)
27 The advisory council by rule shall prescribe application forms and

1 registration fees. The advisory council shall set the fees in
2 amounts reasonable and necessary to administer this Act.

3 (b) The advisory council shall meet at least twice a year.
4 Additional meetings may be held at the call of the presiding
5 officer or on the written request of any three members of the
6 council.

7 (c) The advisory council shall keep a complete record of all
8 registered massage therapists and shall annually prepare a roster
9 showing the names and addresses of all registered massage
10 therapists. A copy of the roster shall be available to any person
11 requesting it on payment of a fee set by the council in an amount
12 sufficient to cover the costs of distribution of the roster.

13 SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. (a) The
14 department shall issue a registration certificate to each qualified
15 massage therapist.

16 (b) A person issued a certificate by the department shall
17 display the certificate in an appropriate public manner as
18 specified by the board.

19 (c) The issuance of a registration certificate grants all
20 professional rights, honors, and privileges relating to the
21 practice of massage therapy.

22 (d) A registration certificate is the property of the
23 department and must be surrendered on demand.

24 SECTION 11. REGISTRATION, DENIAL, PROBATION, SUSPENSION, OR
25 REVOCATION. (a) The department may refuse to issue a registration
26 certificate to an applicant, may suspend or revoke a registration
27 certificate, or may place a registered person on probation for any

of the following causes:

(1) obtaining a certificate by means of fraud, misrepresentation, or concealment of material facts;

(2) selling, bartering, or offer to sell or barter a registration certificate;

(3) violating any rule adopted by the board; or

(4) violating any provisions of this Act.

(b) An individual who has been convicted of crimes or offenses involving prostitution or sexual offenses is ineligible for registration as a massage therapist.

(c) A person whose application for registration is denied, or whose registration is suspended or revoked is entitled to a hearing before the department if the person submits a written request to the department. Hearings are governed by department rules for a contested hearing and by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(d) A person convicted of a violation of this Act is ineligible for registration as a massage therapist for a period of five years.

SECTION 12. RENEWAL OF REGISTRATION. (a) Registration under this Act is subject to annual renewal and expires unless the registered person submits an application for renewal accompanied by the renewal fee.

(b) The department shall adopt a system under which registrations expire and are renewed on various dates of the year. Initial registration fees shall be prorated so that a registered

1 person pays only for that part of the year for which the
2 registration is issued until the expiration date of the
3 registration.

4 (c) A person registered under this Act who does not renew
5 registration by the expiration date may renew the registration not
6 later than the 90th day after the expiration date by meeting the
7 requirements set forth in this section and paying a late penalty
8 fee.

9 (d) The registration of a person who fails to meet the
10 renewal requirements of this section is void. Such a person must
11 submit a new application, pay the appropriate fees, and meet the
12 current requirements for registration.

13 SECTION 13. INJUNCTIVE RELIEF. The attorney general or a
14 district or county attorney may institute a civil action to compel
15 compliance with this Act or to enforce a rule adopted under this
16 Act. In addition to any injunctive relief or any other remedy
17 provided by law, a person who violates this Act or a rule adopted
18 under this Act is subject to a civil penalty in an amount not to
19 exceed \$500.

20 SECTION 14. EFFECT ON LOCAL REGULATION. This Act supersedes
21 any regulation adopted by a political subdivision of this state
22 relating to the licensing or regulation of massage therapists. It
23 does not affect local regulations relating to zoning requirements
24 for massage establishments or other similar regulations.

25 SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT;
26 GRANDFATHER CLAUSE. (a) An individual is not required to be
27 registered under this Act until January 1, 1986.

1 (b) A person, who is engaged in the practice of massage
2 therapy on the effective date of this Act and who has practiced
3 massage therapy for not less than two years before the effective
4 date of this Act, who has a diploma from an approved school of
5 massage therapy, or who is a member in good standing in the
6 American Massage Therapy Association is entitled to registration as
7 a massage therapist without compliance with Section 2 of this Act
8 if the person applies to the department for registration before
9 January 1, 1986, and pays the required fee.

10 SECTION 16. EFFECTIVE DATE. This Act takes effect September
11 1, 1985.

12 SECTION 17. EMERGENCY. The importance of this legislation
13 and the crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

By: Colbert (Senate Sponsor - Brooks) H.B. No. 2012
(In the Senate - Received from the House May 20, 1985;
May 21, 1985, read first time and referred to Committee on Economic
Development; May 22, 1985, rereferred to Committee on Health and
Human Resources; May 24, 1985, reported favorably; May 24, 1985,
sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the regulation of massage therapists and massage
establishments; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Massage therapy," as a health care service, means the
manipulation of soft tissue for therapeutic purposes. The term
includes, but is not limited to, effleurage (stroking), petrissage
(kneading), tapotement (percussion), compression, vibration,
friction, nerve strokes, and Swedish gymnastics, either by hand or
with mechanical or electrical apparatus for the purpose of body
massage. Massage therapy may include the use of oil, salt glows,
heat lamps, hot and cold packs, tub, shower, or cabinet baths.
Equivalent terms for massage therapy are massage, therapeutic
massage, massage technology, myo-therapy, or any derivation of
those terms. As used in this Act, the terms "therapy" and
"therapeutic" do not include diagnosis, the treatment of illness or
disease, or any service or procedure for which a license to
practice medicine, chiropractic, physical therapy, or podiatry is
required by law.

(2) "Massage therapist" means an individual who practices or
administers massage therapy to a patron of either gender for
compensation. The term includes a therapeutic massage
practitioner, massagist, massage technician, masseur, masseuse,
myo-therapist, or any derivation of those titles.

(3) "Massage therapy instructor" means an individual who has
already acquired the status of massage therapist, who has practiced
massage therapy for a minimum of four years, and who is instructing
one or more apprentices in massage therapy.

(4) "Massage establishment" means any place of business in
which massage therapy is practiced by a massage therapist.

(5) "Department" means the Texas Department of Health.

(6) "Board" means the Texas Board of Health.

(7) "Advisory Council" means the Advisory Council on Massage
Therapy.

(8) "Person" means an individual, corporation, association,
or other legal entity.

SECTION 2. REGISTRATION REQUIREMENTS. (a) An individual
who practices as a massage therapist must register as provided by
this Act.

(b) An individual who registers under this Act must present
evidence satisfactory to the board that the person:

(1) has satisfactorily completed massage therapy studies in
a 250 hour, supervised course of instruction provided by a massage
therapy instructor, by a massage therapy school recognized by the
department, by a state approved educational institution, or by any
combination of instructors or schools, in which 125 hours are
dedicated to the study of Swedish massage therapy techniques, 50
hours to the study of anatomy, 25 hours to the study of physiology,
25 hours to the study of hydrotherapy, five hours to the study of
business practices and professional ethics standards, and 20 hours
to the study of health and hygiene;

(2) is registered as a massage therapist in another state or
country that has and maintains standards and requirements of
practice and licensing or registration that substantially conform
to those of this state, as determined by the department; or

(3) has practiced massage therapy as a profession for not
less than five years in another state or country that does not have
or maintain standards and requirements of practice and licensing or
registration that substantially conform to those of this state, as
determined by the department.

SECTION 3. APPLICATION FOR REGISTRATION. Each applicant for

1 registration under this Act shall submit application forms provided
2 by the department, accompanied by the application fee set by the
3 department.

4 SECTION 4. EXEMPTIONS. This Act does not apply to a person
5 who is licensed in this state as a physician, chiropractor,
6 physical therapist, nurse, cosmetologist, athletic trainer, or as a
7 member of another similar profession that is subject to state
8 licensing.

9 SECTION 5. REGULATION OF ADVERTISING; PROHIBITION. (a)
10 Each massage establishment must post in plain sight the certificate
11 of registration of each massage therapist who practices in the
12 massage establishment.

13 (b) A person who is not registered under this Act may not
14 use the word "massage" on any sign or other form of advertising.

15 SECTION 6. PENALTY. (a) A person subject to the
16 registration requirement of this Act commits an offense if the
17 person knowingly violates Section 2 of this Act.

18 (b) The owner or operator of a massage establishment commits
19 an offense if that person knowingly violates Section 5 of this Act.

20 (c) An offense under this section is a Class C misdemeanor.
21 However, if it is shown on the trial of an offense under this
22 section that the person has previously been convicted one or more
23 times of an offense under this section, the offense is a Class A
24 misdemeanor.

25 SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE
26 DEPARTMENT. (a) The board shall adopt rules consistent with this
27 Act as necessary for the performance of its duties under this Act.
28 The board shall adopt the rules in the manner provided by the
29 Administrative Procedure and Texas Register Act (Article 6252-13a,
30 Vernon's Texas Civil Statutes).

31 (b) The department shall administer this Act.

32 (c) The department shall investigate persons who may be
33 engaging in practices that violate this Act.

34 SECTION 8. ADVISORY COUNCIL. (a) The Advisory Council on
35 Massage Therapy is created as an advisory council to the
36 department.

37 (b) The advisory council is composed of nine members
38 appointed by the board of health. Five members must be massage
39 therapists regulated under this Act, one member must be a licensed
40 chiropractor, one member must be a licensed physician, and two
41 members must be representatives of the general public.

42 (c) Members of the advisory council hold office for
43 staggered terms of six years. Three members' terms expire
44 September 1 of each odd-numbered year. In the event of a vacancy
45 during a term, the board shall appoint a replacement who meets the
46 qualifications of the vacated office to fill the unexpired portion
47 of the term.

48 (d) A member of the advisory council may not receive
49 compensation for serving on the council, but is entitled to receive
50 the state per diem allowance as set by the legislature in the
51 General Appropriations Act for transportation and related expenses
52 incurred for each day the member engages in the business of the
53 council.

54 (e) A person who is required to register as a lobbyist under
55 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973
56 (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as
57 a member on the advisory council.

58 (f) The advisory council is subject to the open meetings
59 law, Chapter 271, Acts of the 60th Legislature, Regular Session,
60 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the
61 Administrative Procedure and Texas Register Act (Article 6252-13a,
62 Vernon's Texas Civil Statutes).

63 (g) A member of the advisory council is not liable to civil
64 action for any act performed in good faith in the execution of
65 duties as a council member.

66 (h) A massage therapist member of the advisory council may
67 not be a member of another profession regulated or licensed by this
68 state.

69 SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. (a)
70 The advisory council by rule shall prescribe application forms and

1 registration fees. The advisory council shall set the fees in
2 amounts reasonable and necessary to administer this Act.

3 (b) The advisory council shall meet at least twice a year.
4 Additional meetings may be held at the call of the presiding
5 officer or on the written request of any three members of the
6 council.

7 (c) The advisory council shall keep a complete record of all
8 registered massage therapists and shall annually prepare a roster
9 showing the names and addresses of all registered massage
10 therapists. A copy of the roster shall be available to any person
11 requesting it on payment of a fee set by the council in an amount
12 sufficient to cover the costs of distribution of the roster.

13 SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. (a) The
14 department shall issue a registration certificate to each qualified
15 massage therapist.

16 (b) A person issued a certificate by the department shall
17 display the certificate in an appropriate public manner as
18 specified by the board.

19 (c) The issuance of a registration certificate grants all
20 professional rights, honors, and privileges relating to the
21 practice of massage therapy.

22 (d) A registration certificate is the property of the
23 department and must be surrendered on demand.

24 SECTION 11. REGISTRATION, DENIAL, PROBATION, SUSPENSION, OR
25 REVOCATION. (a) The department may refuse to issue a registration
26 certificate to an applicant, may suspend or revoke a registration
27 certificate, or may place a registered person on probation for any
28 of the following causes:

29 (1) obtaining a certificate by means of fraud,
30 misrepresentation, or concealment of material facts;

31 (2) selling, bartering, or offer to sell or barter a
32 registration certificate;

33 (3) violating any rule adopted by the board; or

34 (4) violating any provisions of this Act.

35 (b) An individual who has been convicted of crimes or
36 offenses involving prostitution or sexual offenses is ineligible
37 for registration as a massage therapist.

38 (c) A person whose application for registration is denied,
39 or whose registration is suspended or revoked is entitled to a
40 hearing before the department if the person submits a written
41 request to the department. Hearings are governed by department
42 rules for a contested hearing and by the Administrative Procedure
43 and Texas Register Act (Article 6252-13a, Vernon's Texas Civil
44 Statutes).

45 (d) A person convicted of a violation of this Act is
46 ineligible for registration as a massage therapist for a period of
47 five years.

48 SECTION 12. RENEWAL OF REGISTRATION. (a) Registration
49 under this Act is subject to annual renewal and expires unless the
50 registered person submits an application for renewal accompanied by
51 the renewal fee.

52 (b) The department shall adopt a system under which
53 registrations expire and are renewed on various dates of the year.
54 Initial registration fees shall be prorated so that a registered
55 person pays only for that part of the year for which the
56 registration is issued until the expiration date of the
57 registration.

58 (c) A person registered under this Act who does not renew
59 registration by the expiration date may renew the registration not
60 later than the 90th day after the expiration date by meeting the
61 requirements set forth in this section and paying a late penalty
62 fee.

63 (d) The registration of a person who fails to meet the
64 renewal requirements of this section is void. Such a person must
65 submit a new application, pay the appropriate fees, and meet the
66 current requirements for registration.

67 SECTION 13. INJUNCTIVE RELIEF. The attorney general or a
68 district or county attorney may institute a civil action to compel
69 compliance with this Act or to enforce a rule adopted under this
70 Act. In addition to any injunctive relief or any other remedy

provided by law, a person who violates this Act or a rule adopted under this Act is subject to a civil penalty in an amount not to exceed \$500.

SECTION 14. EFFECT ON LOCAL REGULATION. This Act supersedes any regulation adopted by a political subdivision of this state relating to the licensing or regulation of massage therapists. It does not affect local regulations relating to zoning requirements for massage establishments or other similar regulations.

SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT; GRANDFATHER CLAUSE. (a) An individual is not required to be registered under this Act until January 1, 1986.

(b) A person, who is engaged in the practice of massage therapy on the effective date of this Act and who has practiced massage therapy for not less than two years before the effective date of this Act, who has a diploma from an approved school of massage therapy, or who is a member in good standing in the American Massage Therapy Association is entitled to registration as a massage therapist without compliance with Section 2 of this Act if the person applies to the department for registration before January 1, 1986, and pays the required fee.

SECTION 16. EFFECTIVE DATE. This Act takes effect September 1, 1985.

SECTION 17. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

* * * * *

Austin, Texas
May 24, 1985

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Health and Human Resources to which was referred H.B. No. 2012, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Uribe, Acting Chairman

COMMITTEE HISTORY

COMMITTEE: HEALTH & HUMAN RESOURCES

DATE: 5/23/85

H.B. 2012 was reported back to the Senate as follows:
(Bill Number)

- ☒ Without amendments
☐ With amendments
☐ With Committee Substitute

Fiscal Implications: ☒ Yes
☐ No

Actuarial Implications: ☐ Yes
☒ No

	AYE	NAY	PNV	ABSENT
Barrientos	X			
Brooks	X			
Edwards				
Parmer	X			
Sharp				
Truan	X			
Uribe	X			
Washington	X			
Whitmire				
TOTAL	6			

The following witnesses testified on the bill:

FOR Gene Mitchell, Health Freedom Council

AGAINST

RESOURCE WITNESS

BILL ANALYSIS

By: COLBERT (Brooks)

H.B. 2012

Background Information:

Current state law, (Article 2372(v) and (w), Revised Statutes), enables city and county governments to restrict the location of massage establishments and to adopt rules regulating massage parlor operations for the protection of public health and safety. However, state law does not currently provide for the regulation of the practice of massage therapy. Approximately thirteen states, including New Mexico and Florida, require licensure of massage therapists.

This bill seeks to provide for the registration of massage therapists through the Texas Department of Health.

What the Bill Proposes to Do:

Provides for the regulation of massage therapists and massage establishments by: defining terms; requiring registration of persons practicing as massage therapists; specifying registration procedures and requirements; exempting from this Act physicians, chiropractors, physical therapists, nurses, cosmetologists, athletic trainers, or other members of similar professions which are also subject to state licensing; providing for the regulation of advertising; specifying penalties; requiring the Texas Board of Health to adopt necessary rules and to administer this Act; establishing the Advisory Council on Massage Therapy and specifying powers, duties and membership; providing for the issuance of registration certificates and the denial, suspension and revocation of certificates; enabling the Department of Health to place a registered person on probation for specified reasons; authorizing the attorney general or county attorney to institute civil actions relating to this Act; providing for injunctive relief, civil penalties, and other remedies as provided by law; establishing that this Act supersedes a political subdivision's regulations relating to the licensing and regulation of massage therapists, but does not affect local regulations relating to zoning require-

ments for massage establishments; containing grandfather clause; establishing that an individual convicted of crimes or offenses relating to prostitution or sexual offenses is ineligible for registration as a massage therapist; establishing that a person convicted of a violation under this Act is ineligible for registration as a massage therapist for a five-year period; establishing effective date of September 1, 1985.

Section by Section Analysis:

SECTION 1. DEFINITIONS.

SECTION 2. REGISTRATION REQUIREMENTS. Requires individuals practicing as massage therapists to register under this Act and to present satisfactory evidence to the Texas Board of Health that they meet specified requirements.

SECTION 3. APPLICATION FOR REGISTRATION. Requires applicants for registration to submit application forms provided by the department and application fees set by the department.

SECTION 4. EXEMPTIONS. Exempts from this Act any person licensed in Texas as a physician, chiropractor, physical therapist, nurse, cosmetologist, athletic trainer, or as a member of another similar profession subject to state licensing.

SECTION 5. REGULATION OF ADVERTISING; PROHIBITION. Requires each massage establishment to post in plain sight the registration certificate of each massage therapist practicing in the establishment; prohibits an unregistered person from using the word "massage" on any sign or other form of advertising.

SECTION 6. PENALTY. Sets forth that it is an offense to knowingly violate Section 2 of this Act; sets forth that the owner or operator of a massage establishment commits an offense for knowingly violating Section 5 of this Act; establishes an offense under this section as a Class C misdemeanor; establishes that if it is shown on trial that the person has been convicted previously of an offense under this section, the offense is a Class A misdemeanor.

SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE DEPARTMENT.

Requires the board to adopt necessary rules which are consistent with this Act and the Administrative Procedure and Texas Register Act; requires the Department of Health to administer this Act and to investigate persons who may be violating this Act.

SECTION 8. ADVISORY COUNCIL. Creates the Advisory Council on Massage Therapy; specifies the council's membership; provides for staggered six-year terms of office; prohibits members from receiving compensation, but entitles members to per diem as set in the General Appropriations Act; prohibits registered lobbyists from serving as an advisory council member; subjects the advisory council to the open meetings law and the Administrative Procedure and Texas Register Act; sets forth that advisory council members are not liable for civil action for any act performed in good faith in execution of duties as council members; prohibits a massage therapist member of the advisory council from being a member of another profession regulated or licensed by this state.

SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. Requires the advisory council to prescribe application forms and registration fees by rule; requires the advisory council to set fees in reasonable and necessary amounts, to meet at least twice a year, to keep a complete record of all registered massage therapists, and to annually prepare a roster with the names and addresses of all registered massage therapists; provides for the calling of additional meetings; requires a copy of the roster to be available upon payment of a fee set by the council.

SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. (a) Directs the department to issue registration certificates; requires persons issued a certificate to display it as specified by the board; sets forth that issuance of registration certificates grants all professional rights, honors, and privileges relating to the practice of massage therapy; establishes that a registration certificate is the property of the department and must be surrendered on demand.

SECTION 11. REGISTRATION, DENIAL, PROBATION, SUSPENSION, OR REVOCATION. Enables the department to refuse to issue, to suspend or to revoke a registration certificate or to place a registered person on probation for specified reasons; declares that an individual convicted of crimes or offenses involving prostitution or sexual offenses is ineligible for registration as a massage therapist; entitles certain persons to a hearing upon written request; establishes that hearings are governed by department rules for contested hearings and by the Administrative Procedure and Texas Register Act; sets forth that a person convicted of a violation of this Act is ineligible for registration for a period of five years.

SECTION 12. RENEWAL OF REGISTRATION. Requires annual renewal of registration with a renewal application and fee; directs the department to adopt a system under which registrations expire and are renewed throughout the year; requires initial registration fees to be prorated; provides for registration renewal for up to 90 days after the expiration date; sets forth that if a person fails to meet renewal requirements, the registration is void and the person must submit a new application, pay appropriate fees, and meet current registration requirements.

SECTION 13. INJUNCTIVE RELIEF. Enables the attorney general or county attorney to institute a civil action to compel compliance with this Act or to enforce a rule adopted thereunder; subjects a person who violates this Act or a rule adopted thereunder to a maximum civil penalty of \$500, in addition to any injunctive relief or other remedies provided by law.

SECTION 14. EFFECT ON LOCAL REGULATION. Sets forth that this Act supersedes any regulation adopted by a political subdivision of the state that relates to the licensing or regulation of massage therapists; establishes that this Act does not affect local regulations relating to zoning requirements for massage establishments or other similar regulations.

SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT;

GRANDFATHER CLAUSE. Establishes that registration is not required until January 1, 1986; sets forth that persons with specified qualifications are entitled to registration without compliance of Section 2 of this Act if they apply for registration before January 1, 1986, and pay the required fee.

SECTION 16. EFFECTIVE DATE. Cites Act's effective date as September 1, 1985.

SECTION 17. EMERGENCY. Emergency clause.

Rulemaking Authority:

It is the committee's opinion that rulemaking authority is granted to the Texas Board of Health in SECTION 7 and to the Advisory Council on Massage Therapy in SECTION 9 of this bill.

Fiscal Impact:

The fiscal implications of this bill were considered during development of the fiscal note by the Legislative Budget Board.

HOUSE ENGROSSMENT

By Colbert

H.B. No. 2012

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of massage therapists and massage establishments; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, myo-therapy, or any derivation of those terms. As used in this Act, the terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

(2) "Massage therapist" means an individual who practices or administers massage therapy to a patron of either gender for compensation. The term includes a therapeutic massage practitioner, massagist, massage technician, masseur, masseuse,

1 myo-therapist, or any derivation of those titles.

2 (3) "Massage therapy instructor" means an individual who has
3 already acquired the status of massage therapist, who has practiced
4 massage therapy for a minimum of four years, and who is instructing
5 one or more apprentices in massage therapy.

6 (4) "Massage establishment" means any place of business in
7 which massage therapy is practiced by a massage therapist.

8 (5) "Department" means the Texas Department of Health.

9 (6) "Board" means the Texas Board of Health.

10 (7) "Advisory Council" means the Advisory Council on Massage
11 Therapy.

12 (8) "Person" means an individual, corporation, association,
13 or other legal entity.

14 SECTION 2. REGISTRATION REQUIREMENTS. (a) An individual
15 who practices as a massage therapist must register as provided by
16 this Act.

17 (b) An individual who registers under this Act must present
18 evidence satisfactory to the board that the person:

19 (1) has satisfactorily completed massage therapy studies in
20 a 250 hour, supervised course of instruction provided by a massage
21 therapy instructor, by a massage therapy school recognized by the
22 department, by a state approved educational institution, or by any
23 combination of instructors or schools, in which 125 hours are
24 dedicated to the study of Swedish massage therapy techniques, 50
25 hours to the study of anatomy, 25 hours to the study of physiology,
26 25 hours to the study of hydrotherapy, five hours to the study of
27 business practices and professional ethics standards, and 20 hours

1 to the study of health and hygiene;

2 (2) is registered as a massage therapist in another state or
3 country that has and maintains standards and requirements of
4 practice and licensing or registration that substantially conform
5 to those of this state, as determined by the department; or

6 (3) has practiced massage therapy as a profession for not
7 less than five years in another state or country that does not have
8 or maintain standards and requirements of practice and licensing or
9 registration that substantially conform to those of this state, as
10 determined by the department.

11 SECTION 3. APPLICATION FOR REGISTRATION. Each applicant for
12 registration under this Act shall submit application forms provided
13 by the department, accompanied by the application fee set by the
14 department.

15 SECTION 4. EXEMPTIONS. This Act does not apply to a person
16 who is licensed in this state as a physician, chiropractor,
17 physical therapist, nurse, cosmetologist, athletic trainer, or as a
18 member of another similar profession that is subject to state
19 licensing.

20 SECTION 5. REGULATION OF ADVERTISING; PROHIBITION. (a)
21 Each massage establishment must post in plain sight the certificate
22 of registration of each massage therapist who practices in the
23 massage establishment.

24 (b) A person who is not registered under this Act may not
25 use the word "massage" on any sign or other form of advertising.

26 SECTION 6. PENALTY. (a) A person subject to the
27 registration requirement of this Act commits an offense if the

1 person knowingly violates Section 2 of this Act.

2 (b) The owner or operator of a massage establishment commits
3 an offense if that person knowingly violates Section 5 of this Act.

4 (c) An offense under this section is a Class C misdemeanor.
5 However, if it is shown on the trial of an offense under this
6 section that the person has previously been convicted one or more
7 times of an offense under this section, the offense is a Class A
8 misdemeanor.

9 SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE
10 DEPARTMENT. (a) The board shall adopt rules consistent with this
11 Act as necessary for the performance of its duties under this Act.
12 The board shall adopt the rules in the manner provided by the
13 Administrative Procedure and Texas Register Act (Article 6252-13a,
14 Vernon's Texas Civil Statutes).

15 (b) The department shall administer this Act.

16 (c) The department shall investigate persons who may be
17 engaging in practices that violate this Act.

18 SECTION 8. ADVISORY COUNCIL. (a) The Advisory Council on
19 Massage Therapy is created as an advisory council to the
20 department.

21 (b) The advisory council is composed of nine members
22 appointed by the board of health. Five members must be massage
23 therapists regulated under this Act, one member must be a licensed
24 chiropractor, one member must be a licensed physician, and two
25 members must be representatives of the general public.

26 (c) Members of the advisory council hold office for
27 staggered terms of six years. Three members' terms expire

1 September 1 of each odd-numbered year. In the event of a vacancy
2 during a term, the board shall appoint a replacement who meets the
3 qualifications of the vacated office to fill the unexpired portion
4 of the term.

5 (d) A member of the advisory council may not receive
6 compensation for serving on the council, but is entitled to receive
7 the state per diem allowance as set by the legislature in the
8 General Appropriations Act for transportation and related expenses
9 incurred for each day the member engages in the business of the
10 council.

11 (e) A person who is required to register as a lobbyist under
12 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973
13 (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as
14 a member on the advisory council.

15 (f) The advisory council is subject to the open meetings
16 law, Chapter 271, Acts of the 60th Legislature, Regular Session,
17 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the
18 Administrative Procedure and Texas Register Act (Article 6252-13a,
19 Vernon's Texas Civil Statutes).

20 (g) A member of the advisory council is not liable to civil
21 action for any act performed in good faith in the execution of
22 duties as a council member.

23 (h) A massage therapist member of the advisory council may
24 not be a member of another profession regulated or licensed by this
25 state.

26 SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. (a)
27 The advisory council by rule shall prescribe application forms and

1 registration fees. The advisory council shall set the fees in
2 amounts reasonable and necessary to administer this Act.

3 (b) The advisory council shall meet at least twice a year.
4 Additional meetings may be held at the call of the presiding
5 officer or on the written request of any three members of the
6 council.

7 (c) The advisory council shall keep a complete record of all
8 registered massage therapists and shall annually prepare a roster
9 showing the names and addresses of all registered massage
10 therapists. A copy of the roster shall be available to any person
11 requesting it on payment of a fee set by the council in an amount
12 sufficient to cover the costs of distribution of the roster.

13 SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. (a) The
14 department shall issue a registration certificate to each qualified
15 massage therapist.

16 (b) A person issued a certificate by the department shall
17 display the certificate in an appropriate public manner as
18 specified by the board.

19 (c) The issuance of a registration certificate grants all
20 professional rights, honors, and privileges relating to the
21 practice of massage therapy.

22 (d) A registration certificate is the property of the
23 department and must be surrendered on demand.

24 SECTION 11. REGISTRATION, DENIAL, PROBATION, SUSPENSION, OR
25 REVOCATION. (a) The department may refuse to issue a registration
26 certificate to an applicant, may suspend or revoke a registration
27 certificate, or may place a registered person on probation for any

1 of the following causes:

2 (1) obtaining a certificate by means of fraud,
3 misrepresentation, or concealment of material facts;

4 (2) selling, bartering, or offer to sell or barter a
5 registration certificate;

6 (3) violating any rule adopted by the board; or

7 (4) violating any provisions of this Act.

8 (b) An individual who has been convicted of crimes or
9 offenses involving prostitution or sexual offenses is ineligible
10 for registration as a massage therapist.

11 (c) A person whose application for registration is denied,
12 or whose registration is suspended or revoked is entitled to a
13 hearing before the department if the person submits a written
14 request to the department. Hearings are governed by department
15 rules for a contested hearing and by the Administrative Procedure
16 and Texas Register Act (Article 6252-13a, Vernon's Texas Civil
17 Statutes).

18 (d) A person convicted of a violation of this Act is
19 ineligible for registration as a massage therapist for a period of
20 five years.

21 SECTION 12. RENEWAL OF REGISTRATION. (a) Registration
22 under this Act is subject to annual renewal and expires unless the
23 registered person submits an application for renewal accompanied by
24 the renewal fee.

25 (b) The department shall adopt a system under which
26 registrations expire and are renewed on various dates of the year.
27 Initial registration fees shall be prorated so that a registered

1 person pays only for that part of the year for which the
2 registration is issued until the expiration date of the
3 registration.

4 (c) A person registered under this Act who does not renew
5 registration by the expiration date may renew the registration not
6 later than the 90th day after the expiration date by meeting the
7 requirements set forth in this section and paying a late penalty
8 fee.

9 (d) The registration of a person who fails to meet the
10 renewal requirements of this section is void. Such a person must
11 submit a new application, pay the appropriate fees, and meet the
12 current requirements for registration.

13 SECTION 13. INJUNCTIVE RELIEF. The attorney general or a
14 district or county attorney may institute a civil action to compel
15 compliance with this Act or to enforce a rule adopted under this
16 Act. In addition to any injunctive relief or any other remedy
17 provided by law, a person who violates this Act or a rule adopted
18 under this Act is subject to a civil penalty in an amount not to
19 exceed \$500.

20 SECTION 14. EFFECT ON LOCAL REGULATION. This Act supersedes
21 any regulation adopted by a political subdivision of this state
22 relating to the licensing or regulation of massage therapists. It
23 does not affect local regulations relating to zoning requirements
24 for massage establishments or other similar regulations.

25 SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT;
26 GRANDFATHER CLAUSE. (a) An individual is not required to be
27 registered under this Act until January 1, 1986.

1 (b) A person, who is engaged in the practice of massage
2 therapy on the effective date of this Act and who has practiced
3 massage therapy for not less than two years before the effective
4 date of this Act, who has a diploma from an approved school of
5 massage therapy, or who is a member in good standing in the
6 American Massage Therapy Association is entitled to registration as
7 a massage therapist without compliance with Section 2 of this Act
8 if the person applies to the department for registration before
9 January 1, 1986, and pays the required fee.

10 SECTION 16. EFFECTIVE DATE. This Act takes effect September
11 1, 1985.

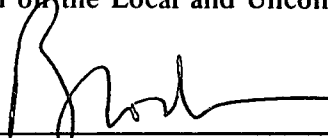
12 SECTION 17. EMERGENCY. The importance of this legislation
13 and the crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Pursuant to S. R. 148, notice is hereby given that HB 2012, by: Colbert (Brooks)
was heard by the Committee on HEALTH & HUMAN RESOURCES on 5-23, 1985
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.



Chairman of the reporting committee

**IMPORTANT: THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL
OR RESOLUTION, WHICH ALONG WITH 10 ADDITIONAL COPIES OF THE BILL OR
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON
ADMINISTRATION, ROOM 1008 SAM HOUSTON BUILDING. PLEASE CALL 5-1134
IF YOU HAVE ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE
LOCAL CALENDAR IS 4:00 P.M. FRIDAYS.**


ENROLLED

H.B. No. 2012

1 AN ACT

2 relating to the regulation of massage therapists and massage
3 establishments; providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. DEFINITIONS. In this Act:

6 (1) "Massage therapy," as a health care service, means the
7 manipulation of soft tissue for therapeutic purposes. The term
8 includes, but is not limited to, effleurage (stroking), petrissage
9 (kneading), tapotement (percussion), compression, vibration,
10 friction, nerve strokes, and Swedish gymnastics, either by hand or
11 with mechanical or electrical apparatus for the purpose of body
12 massage. Massage therapy may include the use of oil, salt glows,
13 heat lamps, hot and cold packs, tub, shower, or cabinet baths.
14 Equivalent terms for massage therapy are massage, therapeutic
15 massage, massage technology, myo-therapy, or any derivation of
16 those terms. As used in this Act, the terms "therapy" and
17 "therapeutic" do not include diagnosis, the treatment of illness or
18 disease, or any service or procedure for which a license to
19 practice medicine, chiropractic, physical therapy, or podiatry is
20 required by law.

21 (2) "Massage therapist" means an individual who practices or
22 administers massage therapy to a patron of either gender for
23 compensation. The term includes a therapeutic massage
24 practitioner, massagist, massage technician, masseur, masseuse,

1 myo-therapist, or any derivation of those titles.

2 (3) "Massage therapy instructor" means an individual who has
3 already acquired the status of massage therapist, who has practiced
4 massage therapy for a minimum of four years, and who is instructing
5 one or more apprentices in massage therapy.

6 (4) "Massage establishment" means any place of business in
7 which massage therapy is practiced by a massage therapist.

8 (5) "Department" means the Texas Department of Health.

9 (6) "Board" means the Texas Board of Health.

10 (7) "Advisory Council" means the Advisory Council on Massage
11 Therapy.

12 (8) "Person" means an individual, corporation, association,
13 or other legal entity.

14 SECTION 2. REGISTRATION REQUIREMENTS. (a) An individual
15 who practices as a massage therapist must register as provided by
16 this Act.

17 (b) An individual who registers under this Act must present
18 evidence satisfactory to the board that the person:

19 (1) has satisfactorily completed massage therapy studies in
20 a 250 hour, supervised course of instruction provided by a massage
21 therapy instructor, by a massage therapy school recognized by the
22 department, by a state approved educational institution, or by any
23 combination of instructors or schools, in which 125 hours are
24 dedicated to the study of Swedish massage therapy techniques, 50
25 hours to the study of anatomy, 25 hours to the study of physiology,
26 25 hours to the study of hydrotherapy, five hours to the study of
27 business practices and professional ethics standards, and 20 hours

1 to the study of health and hygiene;

2 (2) is registered as a massage therapist in another state or
3 country that has and maintains standards and requirements of
4 practice and licensing or registration that substantially conform
5 to those of this state, as determined by the department; or

6 (3) has practiced massage therapy as a profession for not
7 less than five years in another state or country that does not have
8 or maintain standards and requirements of practice and licensing or
9 registration that substantially conform to those of this state, as
10 determined by the department.

11 SECTION 3. APPLICATION FOR REGISTRATION. Each applicant for
12 registration under this Act shall submit application forms provided
13 by the department, accompanied by the application fee set by the
14 department.

15 SECTION 4. EXEMPTIONS. This Act does not apply to a person
16 who is licensed in this state as a physician, chiropractor,
17 physical therapist, nurse, cosmetologist, athletic trainer, or as a
18 member of another similar profession that is subject to state
19 licensing.

20 SECTION 5. REGULATION OF ADVERTISING; PROHIBITION. (a)
21 Each massage establishment must post in plain sight the certificate
22 of registration of each massage therapist who practices in the
23 massage establishment.

24 (b) A person who is not registered under this Act may not
25 use the word "massage" on any sign or other form of advertising.

26 SECTION 6. PENALTY. (a) A person subject to the
27 registration requirement of this Act commits an offense if the

1 person knowingly violates Section 2 of this Act.

2 (b) The owner or operator of a massage establishment commits
3 an offense if that person knowingly violates Section 5 of this Act.

4 (c) An offense under this section is a Class C misdemeanor.
5 However, if it is shown on the trial of an offense under this
6 section that the person has previously been convicted one or more
7 times of an offense under this section, the offense is a Class A
8 misdemeanor.

9 SECTION 7. POWERS AND DUTIES OF THE BOARD AND THE
10 DEPARTMENT. (a) The board shall adopt rules consistent with this
11 Act as necessary for the performance of its duties under this Act.
12 The board shall adopt the rules in the manner provided by the
13 Administrative Procedure and Texas Register Act (Article 6252-13a,
14 Vernon's Texas Civil Statutes).

15 (b) The department shall administer this Act.

16 (c) The department shall investigate persons who may be
17 engaging in practices that violate this Act.

18 SECTION 8. ADVISORY COUNCIL. (a) The Advisory Council on
19 Massage Therapy is created as an advisory council to the
20 department.

21 (b) The advisory council is composed of nine members
22 appointed by the board of health. Five members must be massage
23 therapists regulated under this Act, one member must be a licensed
24 chiropractor, one member must be a licensed physician, and two
25 members must be representatives of the general public.

26 (c) Members of the advisory council hold office for
27 staggered terms of six years. Three members' terms expire

1 September 1 of each odd-numbered year. In the event of a vacancy
2 during a term, the board shall appoint a replacement who meets the
3 qualifications of the vacated office to fill the unexpired portion
4 of the term.

5 (d) A member of the advisory council may not receive
6 compensation for serving on the council, but is entitled to receive
7 the state per diem allowance as set by the legislature in the
8 General Appropriations Act for transportation and related expenses
9 incurred for each day the member engages in the business of the
10 council.

11 (e) A person who is required to register as a lobbyist under
12 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973
13 (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as
14 a member on the advisory council.

15 (f) The advisory council is subject to the open meetings
16 law, Chapter 271, Acts of the 60th Legislature, Regular Session,
17 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the
18 Administrative Procedure and Texas Register Act (Article 6252-13a,
19 Vernon's Texas Civil Statutes).

20 (g) A member of the advisory council is not liable to civil
21 action for any act performed in good faith in the execution of
22 duties as a council member.

23 (h) A massage therapist member of the advisory council may
24 not be a member of another profession regulated or licensed by this
25 state.

26 SECTION 9. POWERS AND DUTIES OF THE ADVISORY COUNCIL. (a)
27 The advisory council by rule shall prescribe application forms and

1 registration fees. The advisory council shall set the fees in
2 amounts reasonable and necessary to administer this Act.

3 (b) The advisory council shall meet at least twice a year.
4 Additional meetings may be held at the call of the presiding
5 officer or on the written request of any three members of the
6 council.

7 (c) The advisory council shall keep a complete record of all
8 registered massage therapists and shall annually prepare a roster
9 showing the names and addresses of all registered massage
10 therapists. A copy of the roster shall be available to any person
11 requesting it on payment of a fee set by the council in an amount
12 sufficient to cover the costs of distribution of the roster.

13 SECTION 10. ISSUANCE OF REGISTRATION CERTIFICATES. (a) The
14 department shall issue a registration certificate to each qualified
15 massage therapist.

16 (b) A person issued a certificate by the department shall
17 display the certificate in an appropriate public manner as
18 specified by the board.

19 (c) The issuance of a registration certificate grants all
20 professional rights, honors, and privileges relating to the
21 practice of massage therapy.

22 (d) A registration certificate is the property of the
23 department and must be surrendered on demand.

24 SECTION 11. REGISTRATION, DENIAL, PROBATION, SUSPENSION, OR
25 REVOCATION. (a) The department may refuse to issue a registration
26 certificate to an applicant, may suspend or revoke a registration
27 certificate, or may place a registered person on probation for any

1 of the following causes:

2 (1) obtaining a certificate by means of fraud,
3 misrepresentation, or concealment of material facts;

4 (2) selling, bartering, or offer to sell or barter a
5 registration certificate;

6 (3) violating any rule adopted by the board; or

7 (4) violating any provisions of this Act.

8 (b) An individual who has been convicted of crimes or
9 offenses involving prostitution or sexual offenses is ineligible
10 for registration as a massage therapist.

11 (c) A person whose application for registration is denied,
12 or whose registration is suspended or revoked is entitled to a
13 hearing before the department if the person submits a written
14 request to the department. Hearings are governed by department
15 rules for a contested hearing and by the Administrative Procedure
16 and Texas Register Act (Article 6252-13a, Vernon's Texas Civil
17 Statutes).

18 (d) A person convicted of a violation of this Act is
19 ineligible for registration as a massage therapist for a period of
20 five years.

21 SECTION 12. RENEWAL OF REGISTRATION. (a) Registration
22 under this Act is subject to annual renewal and expires unless the
23 registered person submits an application for renewal accompanied by
24 the renewal fee.

25 (b) The department shall adopt a system under which
26 registrations expire and are renewed on various dates of the year.
27 Initial registration fees shall be prorated so that a registered

1 person pays only for that part of the year for which the
2 registration is issued until the expiration date of the
3 registration.

4 (c) A person registered under this Act who does not renew
5 registration by the expiration date may renew the registration not
6 later than the 90th day after the expiration date by meeting the
7 requirements set forth in this section and paying a late penalty
8 fee.

9 (d) The registration of a person who fails to meet the
10 renewal requirements of this section is void. Such a person must
11 submit a new application, pay the appropriate fees, and meet the
12 current requirements for registration.

13 SECTION 13. INJUNCTIVE RELIEF. The attorney general or a
14 district or county attorney may institute a civil action to compel
15 compliance with this Act or to enforce a rule adopted under this
16 Act. In addition to any injunctive relief or any other remedy
17 provided by law, a person who violates this Act or a rule adopted
18 under this Act is subject to a civil penalty in an amount not to
19 exceed \$500.

20 SECTION 14. EFFECT ON LOCAL REGULATION. This Act supersedes
21 any regulation adopted by a political subdivision of this state
22 relating to the licensing or regulation of massage therapists. It
23 does not affect local regulations relating to zoning requirements
24 for massage establishments or other similar regulations.

25 SECTION 15. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT;
26 GRANDFATHER CLAUSE. (a) An individual is not required to be
27 registered under this Act until January 1, 1986.

1 (b) A person, who is engaged in the practice of massage
2 therapy on the effective date of this Act and who has practiced
3 massage therapy for not less than two years before the effective
4 date of this Act, who has a diploma from an approved school of
5 massage therapy, or who is a member in good standing in the
6 American Massage Therapy Association is entitled to registration as
7 a massage therapist without compliance with Section 2 of this Act
8 if the person applies to the department for registration before
9 January 1, 1986, and pays the required fee.

10 SECTION 16. EFFECTIVE DATE. This Act takes effect September
11 1, 1985.

12 SECTION 17. EMERGENCY. The importance of this legislation
13 and the crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 2012

President of the Senate

Speaker of the House

I certify that H.B. No. 2012 was passed by the House on May 17, 1985, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2012 was passed by the Senate on May 27, 1985, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 2012 was passed by the House
(1)

on May 17, 1985, by a non-record vote.
(2)

Chief Clerk of the House

I certify that H.B. No. 2012 was passed by the Senate

on May 27, 1985, by a viva-voce vote.
(3)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT26;

H. B. No.

2012

By

Collet

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of massage therapists and massage establishments; providing a penalty.

MAR 7 1985

1. Filed with the Chief Clerk.

MAR 18 1985

2. Read first time and Referred to Committee on

Business & Commerce

4-29-85

3. Reported favorably (~~as amended~~) (as substituted) and sent to Printer at

5:10 p.m.

MAY 6 1985

5-7-85

4. Printed and distributed at 10:37 P.M.

MAY 8 1985

5. Sent to Committee on Calendars at 9:19 a.m.

MAY 16 1985

6. Read second time (~~amended~~) as substituted passed to third reading (~~failed~~) by (Non-Record Vote) (Record Vote of yeas nays present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

MAY 17 1985

9. Read third time (~~amended~~); finally passed (~~failed~~) by (Non-Record Vote) (Record Vote of _____ yeas _____ nays present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 17 1985

12. Ordered Engrossed at 5:04 pm

MAY 18 1985

13. Engrossed.

MAY 18 1985

14. Returned to Chief Clerk at 12:42 am

MAY 20 1985

15. Sent to Senate.

Derry Finney
Chief Clerk of the House

MAY 20 1985

16. Received from the House

MAY 21 1985

MAY 22 1985

MAY 24 1985

17. Read, referred to Committee on ECONOMIC DEVELOPMENT
referred HEALTH AND HUMAN RESOURCES

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

MAY 27 1985

21. Regular order of business suspended by

(a viva voce vote.)
(22 yeas, 4 nays.)

1985 MAY 17 AM 2:09

HOUSE OF REPRESENTATIVES

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

24. Caption ordered amended to conform to body of bill.

25. Senate and Constitutional 3-Day Rules suspended by vote of 20 yeas,
3 nays to place bill on third reading and final passage.

26. Read third time and passed by

(a viva voce vote.)
_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Betty King

Secretary of the Senate

27. Returned to the House.

28. Received from the Senate (~~with amendments~~)
(~~as substituted~~)

29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

32. Ordered Enrolled at 9:42 pm

1985 MAY 17 AM 2:09
HOUSE OF REPRESENTATIVES